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Re: Property Specific Requests General Plan Amendment, PDS2012-3800-12-005, PDS2014-REZ-14-006; LOG NO. PDS2012-ER-12-00-003; SCH NO. 2015121012 and Draft Subsequent Environmental Impact Report

Dear Mr. Johnston:

03-1 This firm represents the Endangered Habitats League ("EHL") in connection with the proposed Property Specific Requests General Plan Amendment (hereinafter "Project" or "PSR GPA") and its associated Draft Subsequent Environmental Impact Report ("DEIR"). EHL is southern California's only regional conservation organization and a long-term stakeholder in County planning efforts. It and its members have a direct stake in maintaining the health of Southern California's unparalleled biodiversity and the native ecosystems that support it. Our client is deeply concerned about the far-ranging environmental impacts that would result from implementation of the proposed Project.

03-2 The widespread decentralization of low density residential development contemplated by the proposed Project threatens to consume thousands of acres of the County's sensitive ecological habitats. In fact, the haphazard development resulting from the proposed Project would have admittedly significant environmental impacts in

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virtually every environmental impact category. Rather than propose measures or policies to reduce these growth-related impacts, however, the County appears resigned to their inevitability, deeming twenty-three of the Project's impacts significant and unavoidable. In doing so, the County is missing a critical opportunity for responsible planning and growth that achieves the goals of its own General Plan and avoids long-term environmental damage.

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In fact, if approved, the proposed Project would be patently inconsistent with numerous Guiding Principles and cornerstone policies in the San Diego County General Plan. The Project would undermine the integrity of the County's planning efforts which were designed to protect rural communities and provide for the orderly growth of the County. Thus, because the Project conflicts with fundamental General Plan provisions it would violate the California Planning and Zoning Law, Gov. Code § 65000 et seq.

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Approval of the proposed Project, however, would not just constitute bad planning, it would also violate the California Environmental Quality Act ("CEQA") (Public Resources Code section 21000 et seq.) and CEQA Guidelines (California Code of Regulations, title 14, section 15000 et seq.). As we explain below, the DEIR fails to properly analyze the Project's environmental impacts, especially its impacts on sensitive habitats and wildlife species, farmland, wildfire and emergency response, water supply, transportation, greenhouse gas emissions, air quality, and energy. The DEIR also fundamentally fails to identify or analyze feasible and effective mitigation for environmental impacts. The countless vague, voluntary, and unenforceable General Plan policies cited as mitigation measures in the DEIR fail to comply with CEQA, which requires enforceable, concrete commitments to mitigation. As a result, the DEIR fails to describe measures that could avoid or substantially lessen the proposed Plan's numerous significant impacts. The DEIR also fails to identify feasible Project alternatives for the Project's significant environmental impacts. Instead, it identifies just one alternative which, like the Project itself, results in significant and unavoidable environmental impacts in almost all impact categories. Such fundamental errors undermine the integrity of the DEIR.

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This letter, along with the January 31, 2018 report prepared by Robert Hamilton, Biologist, attached as Exhibit A ("Hamilton Report") constitute our comments on the proposed Project. We respectfully request that the County respond to each of the comments in this letter and to each of the comments in the Hamilton Report.

I. Introduction

A. Project Background.

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During the San Diego County Board of Supervisors ("Board") hearings for the General Plan Update conducted between October 2010 and August 2011, a number of property owners petitioned the Board to consider land use changes for their properties. The Board recognized that certain of the requests could not be accommodated without additional environmental review and were not included in the adopted General Plan Update ("2011 GPU"). DEIR at 1-1. The proposed Project consists of a General Plan Amendment ("GPA") for 21 subject Property Specific Requests ("PSRs") that were not included in the 2011 GPU. These 21 PSRs would affect approximately 9,336 acres and 882 parcels of unincorporated County lands within nine communities. If approved, the land use changes would increase residential densities as compared to the General Plan resulting in the addition of approximately 1,826 potential dwelling units.¹ DEIR at 1-1, 1-5, 1-6, 1-7. In many cases, a study area surrounding the initial redesignation request is included in the areas proposed for land use changes, apparently in an attempt to ensure mapping consistency and avoid spot designations. *Id.*

B. The Proposed Project Achieves a Result Directly Opposite of the Board's Intent When It Adopted the 2011 General Plan Update.

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The unincorporated areas of the County are generally highly constrained, in comparison to the incorporated cities in San Diego County, due to vast amounts of rugged terrain, relatively high potential for the presence of sensitive vegetation communities and species, and relatively fewer opportunities for the development of essential services. DEIR at 1.11. For these reasons, the 2011 GPU included Guiding Principles with the intent to focus population growth in the western areas of the County, where infrastructure and services are available, and to reduce the potential for growth in the eastern areas. *See* 2011 GPU at 2-6. The Guiding Principles also call for environmental stewardship that protects the range of natural resources and habitats that uniquely define the County's character and ecological importance; to maintain the environmentally sustainable communities; to reduce vehicle miles traveled and

¹ Some proposed land use amendments would result in reassignment from current residential designations to commercial or industrial designations. DEIR at 1-6. The proposed Project also includes an update to the land use designations and zoning for properties within the area of the expired Champagne Gardens Specific Plan. *Id.*

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greenhouse gas emissions; and to preserve agriculture as an integral component of the region's economy, character, and open space network. *Id.* To its credit, the County adopted these Guiding Principles as Project Objectives for the PSR GPA. DEIR at 1-10. See PSR GPA DEIR at 1-5; 1-10; 2011 GPU at 1-22 and 2-6—2-15.

The importance of the 2011 GPU's Guiding Principles cannot be overstated. As County staff explain,

It is important to recognize that the Guiding Principles are not simply a set of statements and cannot be interpreted by simply reading those statements. Rather the Guiding Principles are expressions of the General Plan Update "bottom-up" planning process which included significant discussions and documentation about the intent of the General Plan Update and hearings with the Planning Commission and Board to verify direction of this planning process.

Board of Supervisors Staff Report, January 9, 2012, attached as Exhibit B.

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In marked contrast to the County's Guiding Principles, the Project's proposed land use designations show a continuing or even escalating trend toward low-density, sprawling land use and a lack of commitment toward the protection of environmental resources. Indeed, as DEIR Figure 1-1 shows, the vast majority of the PSRs are outside the County's urbanized areas and are even outside the 2011 GPU's definition of "villages."² DEIR at 1-13. Consequently, as the DEIR explains, because the PSRs are outside villages, they include a greater number of natural, physical, and environmental constraints than village areas in the County, a higher occurrence of sensitive plant or animal species, and limitations in adequate provision of infrastructure and utilities or public services (e.g., fire protection, law enforcement). DEIR at 1-13. Thus, the low-density, large-parcel development patterns such as those proposed here not only impact environmental resources, they also substantially increase the costs of providing community infrastructure and services. Thus, the Project is a glaring example of the kind of sprawl development that the 2011 GPU sought to contain.

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While some amount of low density development may be appropriate in certain areas of the County, the proposed Project makes an insufficient attempt to encourage compact land use development. Sound urban planning principles dictate that the County

² The GPU defines a "village" in its model of compact development. The village is the central core in which the highest intensities of development would be located. 2011 GPU at 2-8.

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should first determine the amount of projected growth that could be accommodated within the County's 18 municipalities and other urban areas and then direct growth to those locations first. Directing growth to cities and urban areas has numerous benefits in that it reduces energy consumption, reduces road and infrastructure costs, reduces vehicles miles traveled and greenhouse gas emissions, preserves the County's farmland, open space, and plant and wildlife habitat, and protects water quality and quantity. If the County proceeds with the proposed Project as it is currently drafted, it will be making a conscious decision to reject smart growth and sustainable land use.

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To make matters worse, in most instances, the County has added massive study areas to each of the PSR areas purportedly to avoid the creation of islands. The end result is to allow up-zoning—and ultimately extensive residential development—on wide swaths of land that the Board of Supervisors never intended for increased land use intensities. Thus, while just 325 property specific requests covering 4,396 acres were submitted to the County as part of the PSR application process, the County designed the Project to include an additional 754 parcels covering an additional 6,262 acres. For example, in PSR Area Valley Center 57+, there was a request for up-zoning 6 parcels covering 276 acres, while the study area includes 211 parcels covering 1,337 acres!

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The fact that the proposed Project causes extensive environmental impacts confirms the County's flawed approach to land use planning. And, the DEIR's dismissive approach to mitigation—simply relying on the same flawed mitigation as proposed in the 2011 GPU EIR—results in significant and unavoidable impacts in virtually every impact category. See DEIR at S-7—S-14. The Project, which will create long term environmental damage, affecting residents and future generations throughout the region, is the proverbial “death by a thousand cuts.”

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The Project would not only violate the County General Plan; it also would be in direct violation of every regional planning document applicable to the PSR Areas. These include water supply planning documents upon which various water districts rely to secure a sustainable long-term supply of water, including Urban Water Management Plans, Integrated Resources Plans and the Regional Water Facilities Master Plan; the County's regional transportation plan and sustainable communities plan, which is designed to meet emission targets by concentrating development in the western urbanized portion of the County, thereby reducing vehicle trip lengths; and the San Diego County Regional Air Quality Strategy, the plan that is designed to ensure that the region attains and maintains health-based air quality standards. The Project also has the potential to throw the entire Multiple Species Conservation Planning process into disarray as it would allow extensive development on sites intended for preservation.

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Finally, it is particularly alarming that the Project would bring almost 5,000 new people (and new ignition sources) to locations that are within designated *Very High Fire Hazard Zones*, without adequate means of evacuation or sufficient emergency response. No amount of emergency planning can prevent loss of property and life in the event of a wind-driven fire. Countless scientific studies show that the single most effective approach to protecting people and structures from wildland fires is to prevent new residential structures from being exposed to fire in the first place.³ Unless and until land use agencies like San Diego County change their “business-as-usual” approach to allowing development within the Wildland-Urban Interface, nothing can guarantee the safety of new residents. In other words, by approving the proposed Project, the County will not be planning for disaster, it will be planning a disaster.

03-14 II. The DEIR Fails to Comply with CEQA.

The Environmental Impact Report (“EIR”) is “the heart of CEQA.” *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392 (“*Laurel Heights I*”) (citations omitted). It “is an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return. The EIR is also intended ‘to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.’ Because the EIR must be certified or rejected by public officials, it is a document of accountability.” *Id.* (citations omitted).

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Where, as here, the environmental review document fails to fully and accurately inform decision-makers, and the public, of the environmental consequences of proposed actions, it does not satisfy the basic goals of the statute. *See* Pub. Resources Code § 21061 (“The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect that a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.”). As a result of the DEIR’s numerous and serious inadequacies, there can be no meaningful public review of the Project. The County must revise and recirculate the DEIR in order to permit an adequate understanding of the environmental issues at stake.

³ *See* Land Use Planning and Wildfire: Development Policies Influence Future Possibility of Housing Loss, A. Syphard et.al., U.S. National Library of Medicine, National Institute of Health, August 14, 2013 available at: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3743760/>; accessed January 30, 2018.

A. The DEIR's Description of the Project Violates CEQA.

03-16 In order for an EIR to adequately evaluate the environmental ramifications of a project, it must first provide a comprehensive description of the project itself. "An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730 (quoting *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193). As a result, courts have found that even if an EIR is adequate in all other respects, the use of a "truncated project concept" violates CEQA and mandates the conclusion that the lead agency did not proceed in the manner required by law. *San Joaquin Raptor*, 27 Cal.App.4th at 729-30.

03-17 Furthermore, "[a]n accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity." *Id.* at 730 (citation omitted). Thus, an inaccurate or incomplete project description renders the analysis of significant environmental impacts inherently unreliable. Here, the DEIR for the proposed Project does not come close to meeting these clearly established legal standards.

03-18 Rather than provide a through description of the proposed PSRs and their study areas, the DEIR simply provides an incomplete summary table. *See* Table 1-8. The end result is that the reader is forced to review more than twenty separate documents to identify the exact number and acreage of each specific PSR and then attempt to determine the number and acreage of additional parcels that comprise the study areas.⁴ These PSR Analysis Area Reports, which were not made a part of the DEIR, are attached as Exhibit C. Worse yet, the DEIR is written in a manner that is deceptive, obscuring the distinction between what was requested by property owners and what the County is proposing. For example, as regards PSR Area FB19+, the DEIR simply states that it is "a 61-parcel, 579-acre area, which includes a study area." DEIR Table 1-8, pg. 1-35. Yet, the Analysis Area Report provides far more detail and it is alarming. According to the Analysis Area Report, the specific request for FB19+ includes just 3 parcels covering 66 acres. It is actually the study area for FB19+ that is enormous: it includes 58 parcels covering a total of 513 acres. In other words, 58 parcels covering more than 500 acres would be up zoned despite the fact that the initial request covered just 3 parcels and 66 acres. *See* FB19+

⁴ We can find no indication that an Area Analysis Report has been prepared for PSR Desert 8.

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Analysis Area Report at 14. The DEIR does not make clear these fundamental details about the Project.

Moreover, the Analysis Area Reports contain substantially more detail regarding the environmental constraints within each PSR Area than does the DEIR itself. Thus, in order to understand the extent of the Project's environmental impacts, the reader must again study each of the Analysis Reports, many of which are at least 30 pages.

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B. The DEIR's Analyses of and Mitigation for the Project's Environmental Impacts Are Legally Inadequate.

1. General Comments.

The following are our general comments on the legal inadequacies of the DEIR. More specific comments on individual sections of the document follow.

(a) The DEIR's Justifications for Failing to Provide a More Detailed Analysis of the Proposed Project's Environmental Impacts Are Groundless.

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Among the DEIR's most notable deficiencies is the lack of a detailed accounting of the Project's environmental impacts. The DEIR attempts to defend its vague analysis by suggesting that the document serves as a first-tier document for later CEQA review of individual projects included in the Program and that further environmental review will likely be undertaken as each project is implemented. *See e.g.*, DEIR at 1-14 ("The programmatic-level analysis contained in this SEIR does not, and cannot, speculate on the individual environmental impacts of specific future development projects on lands affected by the Proposed Project."). This justification is unavailing. Not only does the DEIR improperly defer analysis of ascertainable environmental impacts to a future process, but that future process lacks any workable means for analyzing and mitigating the impacts of individual projects, and effectively shuts out public participation. Under CEQA, the "programmatic" nature of this DEIR is no excuse for its lack of detailed analysis.

CEQA mandates that a program EIR provide an in-depth analysis of a large-scale project, looking at effects "as specifically and comprehensively as possible." CEQA Guidelines § 15168(a), (c)(5). Indeed, because it is designed to look at the "big picture," a program EIR must (1) provide "more exhaustive consideration" of effects and alternatives than can be accommodated by an EIR for an individual action, and (2)

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consider “cumulative impacts that might be slighted in a case-by-case analysis.” *Id.* § 15168(b)(1)-(2). Moreover, it is only at this early stage that the County can design wide-ranging measures to mitigate County-wide environmental impacts. *See id.* § 15168(b)(4) (programmatic EIR “[a]llows the lead agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility”). A “program” or “first tier” EIR is expressly not a device to be used for deferring the analysis of significant environmental impacts. *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182, 199. It is instead an opportunity to analyze impacts common to a series of smaller projects, in order to avoid repetitious analyses.

Furthermore, whether a lead agency prepares a “program” EIR or a “project-specific” EIR under CEQA, the requirements for an adequate EIR remain the same. CEQA Guidelines § 15160. “Designating an EIR as a program EIR also does not by itself decrease the level of analysis otherwise required in the EIR.” *Friends of Mammoth v. Town of Mammoth Lakes Redevelopment Agency* (2000) 82 Cal.App.4th 511, 533. A program-level EIR must contain “extensive, detailed evaluations” of a plan’s effects on the existing environment. *Environmental Planning and Info. Council v. County of El Dorado* (1982) 131 Cal.App.3d 350, 358 (“EPIC”). *See Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 723-24 (where the record before an agency contains information relevant to environmental impacts, it is both reasonable and practical to include that information in an EIR).] The “extensive, detailed evaluations” required by CEQA are absent from the DEIR.

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The DEIR’s reliance on future, project-level environmental review is also misplaced. Again, CEQA’s policy favoring early identification of environmental impacts does not allow agencies to defer analysis of a plan’s impacts to some future EIR for specific projects contemplated by that plan. *See Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263, 282-84; *Christward Ministry v. Superior Court* (1986) 184 Cal.App.3d 180, 194; *City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398, 409. As CEQA Guidelines section 15152(b) explicitly warns, “[t]iering does not excuse the lead agency from adequately analyzing reasonably foreseeable significant environmental effects of the project and does not justify deferring such analysis to a later tier EIR or negative declaration.”

The DEIR must include a detailed analysis of the impacts that could arise from the implementation of all aspects of the proposed Project, as well as a meaningful discussion of alternatives and mitigation measures, so decision-makers and the public can

understand the consequences of the Project before considering whether it should be approved.

(b) The DEIR Improperly Attempts to Avoid Analysis and Mitigation of the Project's Impacts by Concluding that They Are Significant and Unavoidable.

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Where all available and feasible mitigation measures have been identified but are inadequate to reduce an environmental impact to a less-than-significant level, an EIR may conclude that the impact is significant and unavoidable. See CEQA Guidelines § 15126.2. If supported by substantial evidence, the lead agency may make findings of overriding considerations and approve the project in spite of its significant and unavoidable impacts. Id. at §§ 15091, 15093. However, the lead agency cannot simply conclude that an impact is significant and unavoidable and move on. A conclusion of residual significance does not excuse the agency from (1) performing a thorough evaluation of the impact and its severity before and after mitigation, and (2) proposing all feasible mitigation to “substantially lessen the significant environmental effect.” CEQA Guidelines § 15091(a)(1); see also id. § 15126.2(b) (requiring an EIR to discuss “any significant impacts, including those which can be mitigated but not reduced to a level of insignificance” (emphasis added)). “A mitigation measure may reduce or minimize a significant impact without avoiding the impact entirely.” 1 Kostka & Zischke, Practice Under the California Environmental Quality Act (2d ed. 2008) § 14.6.

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The DEIR finds numerous areas of significant and unavoidable impacts, including visual resources, agricultural resources, air quality, biological resources, wildland fires, water quality, groundwater supplies, land use, mineral resources, noise, population, school services, transportation and road safety, and water supply. DEIR at S-7—S-13. As detailed below, in numerous instances, the DEIR fails to thoroughly assess impacts deemed to be significant and unavoidable or to identify all feasible mitigation measures to reduce the severity of the impacts.

(c) Merely Hortatory General Plan Policies Are Inadequate as Mitigation for CEQA Purposes.

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Mitigation measures proposed in an EIR must be “fully enforceable” through permit conditions, agreements, or other legally binding instruments. Pub. Resources Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2). Here, in multiple instances, the DEIR relies on policies from the 2011 General Plan to mitigate impacts. However, most of these General Plan policies are meant to govern precisely the kind of planning exercise

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the County is currently engaged in, so that impacts can be avoided in the first place. If, as here, the County fails to adhere to these policies at the planning stage, they cannot be relied upon at the later project-specific stage to mitigate impacts. As applied to specific development projects, the policies have no teeth -- they are either too vague, optional, directory, or otherwise unenforceable to serve as meaningful mitigation. A few examples—out of numerous instances—include the following:

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- *LU-5.2 Sustainable Planning and Design. Incorporate into new development sustainable planning and design.* (This policy is vague and unenforceable, as it provides no guidance as to how sustainable planning and design should be incorporated into new development and does not require the County to take action.)

- 03-26
- *LU-5.4 Planning Support. Undertake planning efforts that promote infill and redevelopment of uses that accommodate walking and biking within communities.* (This policy is also vague and unenforceable as it provides no explanation as to how “planning efforts” will be used to promote infill development. It also does not require the County to take action.)

- 03-27
- *LU-6.1 Environmental Sustainability. Require the protection of intact or sensitive natural resources in support of the long-term sustainability of the natural environment.* (This policy is vague and unenforceable; it fails to identify the specific mechanisms the County would use to ensure the protection of intact or sensitive natural resources.)

- 03-28
- *LU-6.10 Protection from Hazards. Require that development be located and designed to protect property and residents from the risks of natural and man-induced hazards.* (This policy is vague and unenforceable as it provides no clarifying information as to what action the County should take to protect residents from hazards).

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A general plan typically contains a number of general goals and policies that set forth aspirational objectives. However, the County may rely on such policies to mitigate environmental impacts under CEQA only if they are proposed to be implemented through specific implementation programs that represent a firm, enforceable commitment. See *Napa Citizens for Honest Gov. v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 358 (citing *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 377). CEQA requires that mitigation measures actually be implemented—not

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merely adopted and then disregarded. *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1186-87; *Federation of Hillside & Canyon Assns. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.

Here, the 2011 GPU's vague and noncommittal policies provide no assurance that the impacts of future projects can or will be mitigated; indeed, they do not require the County to take any action at all. Because the DEIR cannot ensure that the referenced policies will mitigate the significant impacts of the Project, or that they will even be implemented, they cannot serve as CEQA mitigation. See *Anderson First*, 130 Cal.App.4th at 1186-87.

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2. Comments Pertaining to DEIR's Environmental Impact Chapters.

The DEIR's analysis of environmental impacts is strikingly deficient. In violation of CEQA, the DEIR provides no indication as to how environmental impacts were determined and fails to describe their nature and extent. Its analyses read more like a set of general discussions of the types of impacts that could occur in a generic county anywhere in California, rather than analyses of how *these* PSRs will affect the environment in *this* County.

(a) The DEIR Does Not Adequately Analyze or Mitigate the Project's Impacts on Agricultural Resources.

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The Legislature has repeatedly stated that the preservation of state farmland is an important policy goal and that public agencies should use CEQA to carry out this goal. *Masonite Corp. v. County of Mendocino* (2013) 218 Cal.App.4th 230, 240-41 ("our Legislature has repeatedly stated the preservation of agricultural land is an important public policy"). In particular, "[a]gricultural lands near urban areas that are maintained in productive agricultural use are a significant part of California's agricultural heritage.... Conserving these lands is necessary due to increasing development pressures and the effects of urbanization on farmland close to cities." Pub. Resources Code § 10201(c). "The Legislature has also declared that CEQA is intended to effectuate this public policy." *Masonite Corp.*, 218 Cal.App.4th at 241.

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San Diego County's agricultural industry plays a vital role in the local economy and is ranked among the top ten agricultural counties in terms of agricultural value. DEIR at 2.2-2. Despite the importance of this critical resource, the DEIR does not adequately describe the Project's impacts to agriculture and wholly dismisses the

potential for measures to avoid or mitigate for its loss. Accordingly, the DEIR fails to meet the basic requirements of CEQA.

(i) The DEIR Fails to Adequately Describe the Current Distribution and Designation of Agricultural Land.

03-33 Every analysis of a project's environmental effects must begin with the description of the environmental conditions before the project – the baseline. *See Save Our Peninsula Com. v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 122. In considering impacts to agricultural lands, the crucial issues are how much agricultural land is under threat of development, and where the threatened land is located. Here, the DEIR provides no substantive information about the current status of agricultural lands in the County. Instead, the document simply states that there has been no change in agricultural conditions since the 2011 GPU EIR was prepared. DEIR at 2.2-1. We find it hard to believe that within the last six to seven years, there has been no net loss of agricultural land within the County. Indeed, according to the EIR prepared for the 2011 GPU, implementation of the General Plan was conservatively expected to result in the loss of over 50,000 acres of agricultural resources. *See* 2011 GPU EIR, August 2011, at 2.2-16, 2.2-20. The PSR GPA DEIR's cumulative agricultural analysis also includes a cursory statement that agricultural resources are in decline in the San Diego region. DEIR at 2.2-11. The revised EIR must describe the current status of agricultural lands in the County, including how much land has been lost to development since the adoption of the 2011 GPU, and disclose agricultural trends and on-going urbanization pressures, i.e., how many landowners per year have requested non-renewal of their Williamson Act contracts? Only when this information is compiled will the EIR preparers be able to evaluate the significance of the Project's impacts in light of recent trends in agricultural land conversion.

(ii) The DEIR Fails to Adequately Evaluate Impacts to Agricultural Lands.

03-34 The DEIR finds that the proposed Project would result in the direct conversion of 5,473 acres of Farmland Mapping and Monitoring Program ("FMMP") designated agricultural lands in the County. DEIR at 2.216. The DEIR correctly acknowledges the significance of this impact. *Id.*

Future development authorized by the PSRs would also result in the indirect conversion of agricultural lands. The DEIR also correctly acknowledges that these

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indirect impacts would be significant. DEIR at 2.2-9. The DEIR does not, however, disclose the total acreage that would undergo indirect conversion. Instead, it quantifies the loss of acreage only within those PSR Areas that would experience the “greatest impacts.” DEIR at 2.2-8, 9. Specifically, although the Project would result in the indirect loss of some amount of farmland in the vast majority of the PSR Areas, it only quantifies the indirect loss of farmland in three Areas: VC7+, BO18+, VC57+. *Id.* The DEIR provides no explanation as to how it arrived at the loss of land within the three PSR Areas it selectively chose for its analysis. Nor does it make any attempt to identify the amount of agricultural land that would be indirectly impacted in the remaining PSR Areas.

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An agency’s rote acknowledgement that impacts are “significant” does not cure its EIR’s failure to analyze the impact. As the court stated in *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, “this acknowledgment is inadequate. ‘An EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences’” (1997) 60 Cal.App.4th 1109, 1123 (quoting *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 831); see also *Mira Monte Homeowners Assn. v. County of Ventura* (1985) 165 Cal.App.3d 357, 365 (an EIR is meant to protect “the right of the public to be informed in such a way that it can intelligently weigh the environmental consequences of a[] contemplated action”). If the indirect conversion of agricultural lands is “significant” as a result of the Project, the public and decision-makers have a right to know the severity and extent of this loss. Currently, the public has no way to understand what exactly is causing the pressures on agricultural lands that the DEIR acknowledges may lead to indirect, significant impacts on them.

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(iii) **The DEIR Fails to Provide Sufficient Mitigation for the Project’s Direct and Indirect Loss of Agricultural Lands.**

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An EIR’s central purpose is to identify a project’s significant environmental effects and then evaluate ways of avoiding or minimizing them. Pub. Resources Code §§ 21002.1(a), 21061. The lead agency also must adopt any feasible mitigation measure that can substantially lessen the project’s significant environmental impacts. Pub. Resources Code § 21002; CEQA Guidelines § 15002(a)(3). In doing so, the lead agency must “ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded.” *Federation of Hillside & Canyon Assns.*, 83 Cal.App.4th at 1261 (italics omitted). Furthermore,

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mitigation is especially crucial when an agency prepares a program EIR. As discussed above, an advantage of a Program EIR is that it “[a]llow[s] the lead agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts.” CEQA Guidelines § 15168(b)(4)).

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The DEIR violates this mandate. After admitting that the Project will result in a significant impact on agricultural lands, it fails to identify *any* mitigation measures other than the same failed General Plan policies and mitigation measures identified in the 2011 GPU EIR. *See* PSR DEIR at 2.2-12, 13; *see also* 2011 GPU EIR pages 2.2-30, 2.2-31 identifying the 2011 GPU’s impacts on agricultural resources to be significant and unavoidable. Recognizing its failure to adopt feasible mitigation for the 2011 GPU, we fully expected that the County would correct this critical mistake with the current proposal. Yet, rather than amend the GPU’s policies to establish specific requirements limiting the conversion of agricultural lands, the PSR GPA DEIR preparers throw their hands up in defeat and adopt the same ill-conceived approach.

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There is ample opportunity provide agricultural policies that would ensure the preservation and protection of the County’s rapidly diminishing farmland. The vast majority of the 2011 GPU’s policies purporting to *protect* agricultural resources are vague and unenforceable. Policy COS-6.4, for example, simply calls for the County to “support the acquisition or voluntary dedication of agriculture conservation easements.” DEIR at 2.2-12. The County’s willingness to support a voluntary program does nothing to ensure that agricultural lands will be protected. Similarly Policy LU-7.2 calls for the County to allow for reductions in lot size when tracts of existing agricultural land are preserved in conservation easement. *Id.* at 2.2-13. Here too, simply allowing for lot size reductions provides no assurance that agricultural lands will be protected. Again, general plan policies must be fully enforceable to be effective mitigation under CEQA. Pub. Resources Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(3). If the County intends to rely on its General Plan policies to mitigate this Project’s significant impacts on agricultural lands, it must strengthen, or adopt new, policies that effectively protect agricultural lands. For example, the County could adopt *protective and enforceable* policies such as the following policies included in the City of San Luis Obispo General Plan:⁵

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⁵ City of San Luis Obispo General Plan, May 2015, available at: <http://38.106.4.251/home/showdocument?id=6703>; accessed January 24, 2018.

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- Prime agricultural land, productive agricultural land, and potentially productive agricultural land shall be protected for farming.
 - Undeveloped prime agricultural land shall be permanently protected as open space.
 - The County may allow development on prime agricultural land if the development contributes to the protection of agricultural land in the urban reserve or greenbelt by one or more of the following methods, or an equally effective method: acting as a receiver site for transfer of development credit from prime agricultural land of equal quantity; securing for the County or for a suitable land conservation organization open space or agricultural easements or fee ownership with deed restrictions; helping to directly fund the acquisition of fee ownership or open space easements by the County or a suitable land conservation organization. Development of small parcels which are essentially surrounded by urbanization need not contribute to agricultural land protection.

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In addition to strengthening the existing GPU policies, the revised EIR should evaluate other feasible measures to reduce the severity of the Project's significant impact on agricultural resources. First and foremost, the EIR should identify ways in which the Project could avoid developing agricultural land, and in particular, the most productive farmland such as prime farmland and other farmland of concern. Avoiding the development of farmland is not only the simplest and most effective way to protect agricultural resources, but it is also feasible. The first step of this mitigation approach would be for the County to identify vacant and otherwise developable land within the 18 incorporated cities in the County. The County must then set up a program to work with the cities to provide incentives to encourage city-based residential development. Such a mitigation measure would be consistent with the 2011 GPU's Guiding Principle calling for the County to "promote health and sustainability by locating new growth near existing and planned infrastructure, services, and jobs in a compact pattern of development." 2011 GPU at 2-7.

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The revised EIR should also evaluate a measure calling for the purchase of agricultural easements.⁶ The purchase of agricultural conservation easements ("ACE") is

⁶ Although the County has an agricultural conservation program, referred to as the Purchase of Agricultural Conservation easement ("PACE"), this program is voluntary and is funded from the General Fund.

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a feasible and effective way of mitigating the loss of agricultural land. *See Masonite Corp.*, 218 Cal.App.4th at 237-41. In that case, a project was going to convert 45 acres of prime farmland, which the agency properly recognized was a significant impact. However, the agency refused to mitigate for this impact by requiring the project proponent to purchase off-site agricultural easements or by paying an in-lieu fee for the agency to acquire the same. The agency claimed that such easements did not actually mitigate the project's impacts because they did not replace the lost farmland or lessen the amount of acreage that was converted.

The court emphatically disagreed, stating that ACE "may appropriately mitigate for the direct loss of farmland when a project converts agricultural land to a nonagricultural use, even though an ACE does not replace the onsite resources. Our conclusion is reinforced by the CEQA Guidelines, case law on offsite mitigation for loss of biological resources, case law on ACEs, prevailing practice, and the public policy of this state." As the court noted, "[t]here is no good reason to distinguish the use of offsite ACEs to mitigate the loss of agricultural lands from the offsite preservation of habitats for endangered species, an accepted means of mitigating impacts on biological resources." Use of ACE therefore can directly and effectively mitigate a project's cumulative, indirect and growth-inducing effects by limiting the amount of agricultural land lost due to a project and other cumulative projects.

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Here, the DEIR admits that the Project will result in the direct and indirect conversion of agricultural land. The Project will also have growth-inducing impacts due to the fact that it will enable the creation or expansion of roads, wastewater facilities and other infrastructure, thereby allowing further growth in the County. In addition, if this Project is approved, developers will be emboldened to propose more sprawling projects far from urban areas, infrastructure, and services, and the County will be more likely to approve them. Further, if the County allows this Project to go forward with its inadequate analysis of agricultural impacts, it would allow and encourage further, unmitigated growth that could destroy the vast majority of the region's farmland with no required mitigation.

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All of these factors mean that the Project will likely directly and indirectly impact surrounding farms, and will induce further growth in the region, leading to increased pressure on the region's fast-disappearing farmland. This is precisely why agricultural easements are so crucial—they can help maintain a critical mass of agricultural land and stave off some of the financial pressures to convert agricultural land. Because courts and other agencies have recognized the feasibility of this type of mitigation, the revised EIR

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must evaluate a mitigation measure that requires that each PSR make a fair-share contribution to the PACE program.

(iv) **The DEIR Fails to Adequately Identify and Analyze the Project's Cumulative Impacts to Agriculture.**

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An EIR must discuss significant cumulative impacts. CEQA Guidelines § 15130(a). Cumulative impacts are defined as two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. CEQA Guidelines § 15355(a). “[I]ndividual effects may be changes resulting from a single project or a number of separate projects.” *Id.* § 15355(a). A legally adequate cumulative impacts analysis views a particular project over time and in conjunction with other related past, present, and reasonably foreseeable future projects whose impacts might compound or interrelate with those of the project at hand. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time. *Id.* § 15355(b). The cumulative impacts concept recognizes that “[t]he full environmental impact of a proposed . . . action cannot be gauged in a vacuum.” *Whitman v. Board of Supervisors* (1979) 88 Cal.App.3d 397, 408 (internal quotation omitted).

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Here, the DEIR's discussion of cumulative direct and indirect impacts to agricultural resources is woefully inadequate. Although the DEIR claims that it analyzes the cumulative impacts from myriad projects, including all of those initiated since the 2011 GPU, land use projects in adjacent jurisdictions, and development as anticipated in the adopted general plans of adjacent counties (DEIR at 1-16—1-52), the document does no such thing. Rather, it simply states that cumulative projects “have the potential to convert agricultural lands and resources to non-agricultural uses from the development of incompatible land uses such as commercial, industrial or high density residential.” DEIR at 2.2-11. The DEIR's abject failure to actually assess the Project's impacts on agricultural lands together with other related past, present, and reasonably foreseeable future projects is a fatal flaw. The EIR must be revised to include a proper examination of these combined effects.

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Notwithstanding the failure to analyze cumulative impacts, the DEIR nonetheless concludes that such impacts would be significant. DEIR at 2.2-11. It does not, however, identify any mitigation other than the flawed project-specific mitigation and GPU policies discussed above. The revised EIR must identify mitigation measures, such as the ones suggested above, to mitigate its cumulative contribution to this impact.

(b) The DEIR Fails to Adequately Disclose and Analyze the Project's Impacts to Biological Resources.

San Diego County is recognized as one of the most important biological areas in the United States. As a result of the limited distribution of many of the County's species, combined with habitat loss from urban, rural, and agricultural development, the County is home to an exceptional number of rare, threatened, endangered, or otherwise sensitive species. 2011 GPU EIR at 2.4-1. In fact, 26 plant species in the County are found nowhere else in the world. *Id.*

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The County is actively planning for habitat protection. The South County Multiple Species Conservation Plan ("MSCP") has already been adopted, while the North County and East County MSCPs are still in draft form.⁷ DEIR at 2.4-15, 2.4-17. The backbone of the ongoing MSCP effort has been the designation of Pre-Approved Mitigation Areas ("PAMA") and Focused Conservation Areas ("FCAs"). DEIR at 2.4-1, 2.4-2, 2.4-15, 2.4-17; *see also* Hamilton Report. The DEIR describes the importance of PAMAs and FCAs, explaining that these are areas with high biological value in which conservation will be encouraged:

This will be done by providing mitigation ratios that favor developing outside of the PAMA and mitigating inside of the PAMA. These areas may also be targets for conservation acquisitions from willing sellers when funding is available. Areas of draft PAMA do not fall within small, isolated patches of habitat, but rather connected corridors that have been determined as important for maintaining and improving the populations of a

⁷ To facilitate discretionary processes and preserve buildout while the North County Plan is being drafted, the County, United States Fish and Wildlife Service, and California Department of Fish and Wildlife entered into a Planning Agreement for the Draft North County Plan. DEIR at 2.4-2. This Agreement defines the geographic scope of the Planning Area, identifies preliminary conservation objectives, ensures coordination between the wildlife agencies, and establishes a process to review interim development within the Planning Area to help achieve the preliminary conservation objectives and preserve options for establishing a viable reserve system or equivalent long-term conservation measures. *Id.* The North County Plan is intended to create a 107,000-acre regional preserve system in northern San Diego County. Included are general measures and recommendations for managing plant communities and specific habitats for over 29 species. *Id.*

number of sensitive species that are covered in the corresponding Subarea plans. DEIR at 2.4-15.

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The plan is for the PAMA and FCA parcels to eventually make up the MSCP reserves. *See* Hamilton Report. It is critically important that development within the PAMA and FCA areas be carefully planned to prevent the overall MSCP reserve system from becoming compromised while the MSCPs are undergoing finalization.

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Given the importance of the County's biological resources and against this species planning backdrop, one would expect that the DEIR would have provided a thorough analysis of the Project's potential impacts. Unfortunately, the DEIR engages in a series of missteps in the environmental analysis that runs afoul of CEQA.

(i) The DEIR Fails to Describe the Biological Resources Within the PSR Study Area.

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The first step in an EIR's environmental impact analysis is to identify the applicable environmental setting, which "must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published . . . from both a local and regional perspective." CEQA Guidelines § 15125(a). Such information will normally serve as the "baseline" by which an agency will determine whether an impact is significant. *Id.* "Knowledge of the regional setting is critical to the assessment of environmental impacts," and "[s]pecial emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project." *Id.* § 15125(c); *see also id.* § 15064(b) ("[T]he significance of an activity may vary with the setting.").

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Here, the DEIR would appear to deliberately ignore the detailed information that has been prepared regarding the important ecologic features and constraints of each PSR Area.⁸ As discussed above, Analysis Reports have been prepared that provide the physical environmental conditions for each PSR Area. *See* Exhibit C. The information from these Reports should have been used as the environmental setting for each PSR

⁸ The DEIR does include one map at the end of the biological resources chapter that purports to identify impacts to vegetation communities. *See* DEIR Figure 2.4-1. Yet, the scale of this map is so small, i.e., it shows all of the vegetation communities on all of the PSR Areas throughout the County on one 8 ½ by 11 sheet, that there is simply no way for the reader to translate the information on this map to the impacts within each PSR Area.

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Area which would then constitute the baseline for purposes of evaluating the Project's impacts on biological resources. Using Analysis Area FB2+ as an example, its Analysis Report identifies vegetation communities and "upper tier" vegetation types that have elevated ecological sensitivity. *See* FB2+ Analysis Area Report at 9. The Report also shows the relationship of lands within the FB2+ Area to existing Preserve Lands and the PAMA identified in the draft North County MSCP.⁹ *Id.* at 10. In particular, the Report shows that all of the areas proposed for additional density under the Project are in the PAMA. *Id.* at 21. The Analysis Report explains that once the PAMA is approved, it would limit the feasibility of additional development on the FB2+ lands. *Id.* This is the precise information that should have been included in the DEIR because, according to the Hamilton Report, it is vitally important that development within the PAMA and FCA areas be carefully planned to prevent the MSCP reserve process from becoming compromised. Because the DEIR does not disclose the ecological importance of each PSR Area, it fails to inform the public and decision-makers of the environmental consequences of the proposed Project. The DEIR's abject failure to include *any* usable detailed information easily obtainable in the Analysis Reports is a fatal flaw.

(ii) The DEIR Fails to Adequately Evaluate the Project's Impacts on Special Status Plant and Wildlife Species.

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Under CEQA, an EIR must "identify the significant effects on the environment of a project, [] identify alternatives to the project, and [] indicate the manner in which those significant impacts can be mitigated or avoided." Pub. Resources Code § 21002.1(a); *see also id.* §§ 21100(b), 21061. "The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and . . . considered in the full environmental context." CEQA Guidelines § 15125(c). Although the DEIR recognizes the extensive special status plant and wildlife species, and in fact identifies detailed thresholds of significance for these species, it fails entirely to analyze how the Project would impact these resources.

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Rather than base the analysis of impacts on a scientific assessment, i.e., mapping or even the information that is included in the Area Analysis Reports, the DEIR relies on the same deficient approach used in the 2011 GPU EIR. It identifies impacts based on the Project's planned land use designations. For example, PSRs that are proposed to be

⁹ A PAMA is an area with high biological value in which conservation will be encouraged. DEIR at 2.4-15.

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changed to higher density land use designations are assumed to result in the removal of 100 percent of vegetation, lower density land uses are estimated to result in the removal of 75 percent of vegetation, while rural land use designations are anticipated to remove between 12.5 and 25 percent of vegetation. DEIR at 2.4-6. But this approach to impact analysis amounts to nothing more than a guess as to how the Project might impact, for example, vegetation communities. The DEIR even concedes this fact when it explains that there are limitations to the accuracy of these acreages and it is likely that they under-represent the potential effects. DEIR at 2.4-7.

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The DEIR's perfunctory approach to impact analysis violates CEQA because it does not provide a sufficient degree of analysis to inform the public about the Project's adverse effects and to allow decision-makers to make intelligent judgments. CEQA Guidelines § 15151. Consistent with this requirement, the information regarding the Project's impacts must be "painstakingly ferreted out." *EPIC*, 131 Cal.App.3d at 357 (finding an EIR for a general plan amendment inadequate where the document did not make clear the effect on the physical environment). As the Hamilton Report explains, the DEIR's approach is to make broad-brush, worst-case assumptions about impacts, and then claim that no feasible avoidance or mitigation measures are available while identifying a vague need for future studies. This approach seems to be designed to maximize the allowable impacts of the Project rather than highlight areas known to have ecological importance that should be prioritized for avoidance or mitigation.

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Indeed, the DEIR does not even bother to evaluate the Project's impacts against the significance criteria identified in the DEIR. *See* DEIR at 2.4-4, 2.4-5. The DEIR refers to the San Diego County Guidelines ("Guidelines") and explains that they call for a "biologically based" determination of the project's potential to have a substantial adverse effect on the plant or animal's long-term survival. *Id.* The DEIR's significance criteria even list the specific resources that should be analyzed (e.g., impacts on arroyo toad aestivation, foraging, or breeding habitat, or impacts on golden eagles, burrowing owl, cactus wren and Hermes copper habitats), but it makes no attempt to actually analyze the impacts to these species. The closest the document comes is a list of the acreage of species' habitat within community plan areas. *See* DEIR Table 2.4-4. The DEIR's failure to disclose whether the Project as a whole, let alone the loss of vegetation associated with the proposed up-zonings within each PSR area, would have an adverse effect on each sensitive plant and wildlife species listed in the County's Guidelines is a fatal flaw.

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As the Hamilton Report explains, the DEIR makes no effort to provide relevant information on the areas in which special-status species have been observed, or where

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they have greatest potential to occur. The DEIR identifies the eventual need for “site-specific biological resource surveys” (at 2.4-6), but the DEIR fails to identify the types of biological resource surveys required to reliably determine presence or absence of the special-status species potentially present in different PSR Analysis Areas. Simply identifying a vague need for additional studies, which may or may not be adequate to find all of the species present, will not minimize potentially significant impacts to special-status species. Nor does the DEIR provide *any* indication that site-specific surveys would ever be undertaken. In fact, the DEIR fails to include any mitigation measures calling for such surveys.

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The DEIR fares no better in its purported analysis of the Project’s indirect impacts to sensitive species. Here the DEIR provides a generic summary of types of indirect impacts. *See e.g.*, DEIR at 2.4-8—2.4-10 (fugitive dust could disperse onto plants; non-native plants would have the potential to colonize development sites; night lighting on native habitats would have the potential to provide nocturnal predators with an unnatural advantage over their prey). But the document never evaluates the indirect impacts from the Project as a whole, let alone within each of the PSR areas. Instead, the DEIR’s discussion could apply to any project in any jurisdiction, in any state around the country. Such dismissive treatment of indirect impacts to sensitive plant and wildlife species is not adequate under CEQA. Rather, the County must “use its best effort to find out and disclose all that it reasonably can” regarding impacts to resources within the Project’s study areas. *Citizens to Preserve the Ojai v. Ventura* (1986) 176 Cal.App.3d 421, 431.

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In light of these serious shortcomings, the EIR must be revised. As the Hamilton Report explains, this revision would prioritize development of areas with relatively low potential to support special-status species. This step necessarily involves a general mapping of the areas. Sensitive plant communities and other areas that have high potential value to special-status species would then be prioritized for preservation, pending results of more detailed site-specific surveys, the minimum requirements of which would be spelled out in the DEIR’s mitigation measures. Locations of designated Critical Habitat would be mapped and the relevance of this designation in each PSR Area would be discussed. Such an approach would represent a good-faith effort to minimize the Project’s significant impacts to biological resources, as required by CEQA.

(iii) The DEIR Fails to Adequately Evaluate the Project's Impacts on the County's Conservation Planning Efforts and Wildlife Movement Corridors.

03-59 As the Hamilton Report explains, the North County and East County MSCPs represent vitally important, ongoing conservation planning efforts taking place across the County,

Through the MSCP processes, the County has worked with federal and state agencies to identify those areas of highest ecological importance — in terms of the biological resources present and the need to maintain functional habitat connectivity/wildlife movement opportunities — as Pre-Approved Mitigation Areas (PAMA; North County MSCP) and Focused Conservation Areas (FCAs; East County MSCP). Since the MSCP reserve system is expected to consist largely of PAMA/FCA parcels, development within PAMA/FCA overlays must be carefully planned. See Hamilton Report at 11.

03-60 The DEIR purports to evaluate the Project's impacts on the County's conservation planning areas, including its wildlife corridors, but it does no such thing. The document simply explains that increases in allowed density/intensity associated with the proposed Project *may* cause potential impacts within PAMA/FCA and core linkages. DEIR at 2.4-15. Although the document identifies the PSR Areas that have adopted or draft PAMA lands, it fails to undertake the most important step: to overlay the PAMA/FCA (and wildlife corridor) locations with the locations of land that are proposed for up- zoning under the proposed Project. An adequate EIR would (a) analyze each PAMA/FCA where an increase in development intensity is proposed and (b) determine the effects of that increase on the potential MSCP habitat preserve system and on the wildlife corridors that occur within the PAMA and FCA.

03-61 Rather than conduct this analysis now, the DEIR looks to regulatory processes to “ensure” implementation of and conformance with applicable conservation plans and concludes that any impacts would be less than significant. DEIR at 2.4-18. This approach is exactly backwards. The purpose of the conservation plans is to ensure that the County makes planning decisions that minimize development in the most ecologically important areas. If the County amends its General Plan to provide *more* development in those areas, then Project already fails to conform with the conservation plans. The DEIR provides no explanation as to how the regulatory process will “ensure” such conformance in the future. A conclusion regarding the significance of an

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environmental impact that is not based on an analysis of the relevant facts fails to fulfill CEQA's informational goal. *See Stanislaus Natural Heritage Project*, 48 Cal.App.4th at 182; *Citizens of Goleta Valley*, 52 Cal.3d at 568. The DEIR fails to fulfill this paramount CEQA purpose both because it neglects to present all relevant facts relating to the Project's impacts on conservation planning efforts and because its cursory conclusions are based upon no analysis.

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Furthermore, as the Hamilton Report explains, in authorizing increased development density in areas identified as PAMA/FCA, the County would not only be "allowing" development in these high-value areas, but in fact encouraging land owners to increase the level of development in and around the anticipated future preserve system. If other landowners in PAMA/FCA demand the same increases in development intensity that the County seeks to allow in the 21 PSR Analysis Areas, this would likely undermine the ability to establish an ecologically viable MSCP habitat preserve system.

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In sum, in the absence of a detailed impact analysis — one that credibly explains how the proposed Project would contribute to ongoing regional planning efforts, rather than detracting from them — the DEIR has no evidentiary basis to conclude that impacts to the County's conservation planning process (and wildlife movement corridors) would be less than significant.

(iv) The DEIR Fails to Adequately Evaluate the Project's Impacts Relating to Conflicts with Policies and Ordinances Intended to Protect Biological Resources.

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The DEIR's cursory conclusion that the Project would not conflict with policies and ordinances intended to protect biological resources is simply unsupportable. To begin with, the DEIR does not even evaluate the Project's consistency with General Plan policies. For example, as discussed below in the land use section of this letter, COS-2.1 (Protection, Restoration and Enhancement) calls for the County to protect and enhance natural wildlife habitat and to limit the degradation of regionally important natural habitats within the Semi-Rural and Rural Lands regional categories. *See* 2011 GPU Conservation and Open Space ("COS") Element at 5-8. The Project is directly inconsistent with this Policy yet the DEIR does not mention, let alone analyze, this inconsistency.

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The DEIR then problematically relies on County ordinances such as the Biological Mitigation Ordinance and the Resource Protection Ordinance to conclude that the Project

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would not result in significant impacts associated with consistency with local policies protecting biological resources. Setting aside for the moment the nonsensical approach of relying on an ordinance to claim the Project would not be inconsistent with the same ordinance, the DEIR never bothers to define these ordinances nor provide any explanation as to how compliance with these ordinances would ensure the Project would not conflict with local policies and ordinances. In fact, what little information that is provided leads to the opposite conclusion. The Biological Mitigation Ordinance only requires that development projects *generally avoid* corridors and linkages within the MSCP *to the maximum extent practicable*. DEIR at 2.4-16. The Resource Protection Ordinance does not apply to all discretionary projects and it restricts only certain impacts. DEIR at 2.4-10, 13, 14. The EIR must be revised to include an adequate discussion of the Project's conflicts with policies and ordinances intended to protect biological resources, and identify feasible mitigation measures or alternatives to mitigate or avoid such impacts.

(v) **The DEIR Does Not Adequately Analyze
Cumulative Impacts to Biological Resources.**

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The DEIR fails to provide an adequate analysis of the Project's cumulative impacts on biological resources. As we explained above in the context of agricultural impacts, the DEIR fails to even mention, let alone analyze, the cumulative list of projects identified in the project description chapter of the DEIR. *See* DEIR at 2.4-19—2.4-21. Instead, the DEIR simply states the obvious: "cumulative projects located in the San Diego region would have the potential to result in impacts to special status plant and wildlife species, including loss of habitat" and "several of the cumulative projects listed in Tables 1-10 to 1-14 of this SEIR are large development projects that are planned within undeveloped areas and would likely result in loss of habitat or edge effects that would significantly impact special status plant and wildlife species." DEIR at 2.4-19. The document makes no attempt, for example, to identify the location of important habitat areas that would be affected by these cumulative projects, to identify the specific plant, wildlife, and sensitive habitats that would be impacted, and, finally, to analyze the significance of the expected cumulative impacts in light of these facts. The DEIR's failure to undertake this analysis is a fatal flaw requiring revision and recirculation. If the revised analysis determines that the cumulative biological resources impacts are significant, it must identify feasible mitigation measures or project alternatives that would avoid or lessen these impacts.

(vi) **The DEIR Fails to Identify Feasible Mitigation Measures For the Project's Significant Impacts to Biological Resources.**

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The DEIR lacks a legally defensible approach to mitigating the Project's impacts on biological resources. As an initial matter, the DEIR identifies a single mitigation measure that the County has already determined to be infeasible—adopting MSCP Plans for North and East County. Identifying an infeasible mitigation measure is inconsistent with CEQA's core requirement that an EIR propose *all* feasible mitigation to "substantially lessen the significant environmental effect." *San Franciscans for Reasonable Growth v. City & County of San Francisco* (1984) 151 Cal.App.3d 61, 79 (EIR inadequate if it fails to identify feasible mitigation measures). The end result of this flawed approach is that the DEIR identifies *no* mitigation for its significant biological impacts.

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The DEIR's approach to the one measure it sets forth is particularly disingenuous. The DEIR asserts that adopting the MSCP plans is infeasible because conservation plans require approval at the federal and State levels, which the County cannot guarantee ahead of time, and the timing of these programs may not coincide with the proposed Project's impacts in those areas. DEIR at 2.4-21. As the Hamilton Report explains, the County cannot cite its own inability to finalize MSCP plans as a valid rationale for failing to satisfy basic CEQA mitigation requirements by other means. While we understand that there are no guarantees about the timing of these MSCP plans, the County cannot simply throw its hands up in defeat.

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The County has been working on the MSCPs for at least the last decade. There is no reason that it cannot redouble its efforts to work with state and federal agencies to complete these critically important planning efforts. To this end, the revised EIR must evaluate a mitigation measure that sets forth the detailed process that would be needed to ensure the timely completion of these plans. Such a process should include shifting primary responsibility for plan development to an experienced outside consulting firm, as was successful in the Western Riverside County MSCHP and the Orange County Central-Coastal NCCP/HCP. This process must also include retaining an independent biologist experienced in plan development and with a track record of successfully working with local, state and federal wildlife agencies. These are certainly feasible steps that would move the MSCP planning process toward completion.

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But mitigation of biological impacts in no way requires a completed MSCP – the County has ample ability to implement its own policies that will accomplish similar goals

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until such time as the MSCP process is completed. The revised EIR must evaluate the feasibility of a measure that ensures PAMA and FCA lands are sufficiently preserved during this interim period. This measure should include the following key components:

1. Map the plant communities present in each of the PSR Analysis Areas.
2. Provide a detailed analysis of the potential for special-status plant and wildlife species, riparian habitat and wetlands, functioning wildlife movement paths and habitat linkages, and wildlife nursery sites, to occur in different parts of each PSR Analysis Area.
3. Identify any locations within the PSR Areas where future development should be avoided or mitigated to a less-than-significant level through restoration, purchase of off-site mitigation, etc.
4. All site-specific avoidance/mitigation measures should (a) be incorporated into the conditions of approval for each zoning change, tentative tract map, etc. for each property, and (b) be written in specific and "fully enforceable" language as required by CEQA.
5. For each PSA Analysis Area, specify whether additional site-specific CEQA analysis will be required prior to granting of final development approvals. If no future CEQA analysis will be required, identify the explicit rationale for reaching this determination.
6. Identify the specific site-specific studies that will required during the additional CEQA analysis.

(c) The DEIR Lacks a Legally Adequate Analysis of and Mitigation for the Project's Impacts Relating to Emergency Response and Wildland Fire.

Because a picture is known to be worth a thousand words, it is important to include a photograph of one of the key issues that is undoubtedly at the forefront of almost every resident's mind in San Diego:



Source: San Diego County is on Fire Again, Expat Journal: Postcards from the edge – WordPress.com

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As this photo shows, fire is an ever-present danger in San Diego County. A changing climate and the epidemic of dead and dying trees, combined with a record drought equate to a recipe for disaster in the San Diego region.¹⁰ Heavy fuel loads, low humidity, potential for high winds, and the steep terrain in the mountains and hills can rapidly turn even small fires into lethal firestorms. The environmental destruction wrought by wildfires is exacerbated by development in the Wildland-Urban Interface ("WUI"), which unwisely places people and structures directly in the line of fire. *See* 2011 GPU EIR at 2.7-15. Here, the Project would expand residential uses and bring almost 5,000 new residents directly into the WUI, contributing to even greater fire risks. *DEIR* at 2.7-7, 2.7-20, 2.12-4. *See* also "Developers Seek Permission to Build in Severe Wildfire Risk Areas," *Voice of San Diego*, August 25, 2015, attached as Exhibit D. Not only are the PSR Areas located within the WUI, but the majority are located on lands

¹⁰ *See* "State, county grapple with historic tree die-off," *San Diego Union-tribune*, June 27, 2016, available at:

<http://www.sandiegouniontribune.com/news/environment/sdut-cal-fire-forest-trees-dead-dying-incineration-2016jun27-htmlstory.html>; accessed January 25, 2018.

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designated as *Very High* Fire Hazard Zones. DEIR at 2.7-20 (emphasis added). The DEIR analyzes risks relating to wildfire in two separate sections: (1) impacts relating to emergency response and evacuation plans and (2) impacts relating to wildland fires. Both analyses are shockingly deficient.

(i) **Impacts Relating to Emergency Response and Evacuation Plans.**

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Because of wildfires' extreme risk to people and property in the County, one would expect the DEIR to thoroughly describe the County's emergency response procedures, including a discussion of how these procedures have or have not worked in the numerous major fires that have occurred within the County. The DEIR would then provide a specific analysis of emergency response and evacuation plans for each PSR Area. The document does no such thing. If the implications were not so terrifying, the DEIR's "analysis" of the Project's potential to impact emergency response and evacuation plans would almost be comical. Simply put, it provides no substantive analysis at all. It includes boilerplate language that could have been written for any location, in any jurisdiction, in any state, as the following sentences (which comprise the vast majority of the DEIR's "analysis" on this topic) make crystal clear:¹¹

- 03-80
- "Interference with an adopted emergency response or evacuation plan would result in an adverse physical effect to people or the environment by potentially increasing the loss of life and property in the event of a disaster."
 - "Failure to provide reasonable access for emergency equipment and evacuation of civilians can also result in the major loss of life, property, and natural resources."
 - "There is a potential for the existing emergency response and evacuation plans that serve the [Project area] to be overwhelmed by the potential increase in population density in the event of an emergency. This would cause an inadvertent impairment to the existing emergency response plans and policies, potentially increasing the risk to loss of life and property in the event of an emergency."

DEIR at 2.7-18, 19.

¹¹ The DEIR refers the reader to the analysis in the 2011 GPU EIR. Yet this document contains an almost identical (and equally cryptic) discussion of impacts relating to emergency response and evacuation plans and therefore provides no information of value. See 2011 GPU EIR at 2.7-44.

03-81

The DEIR devotes exactly four sentences to the PSR GPA Project itself. These sentences state: first, that the growth accounted for in the Analysis Areas is *not* accounted for in emergency response planning documents; second, PSR Analysis Areas that do not have high levels of density may *not* have the infrastructure to provide adequate emergency response; and, third, there is the potential for the existing emergency response plans to be *overwhelmed* by the population increase. DEIR at 2.7-19 (emphasis added). The fourth—and only—sentence that mentions specific PSR Areas simply states: “PSR Analysis Areas including DS8, DS24, FB2+, FB17, FB19+, FB21+, ME26, ME30A, PP30, and SD15 may experience effects on emergency response as a result of the Proposed Project.” *Id.* Under CEQA, such self-evident ruminations cannot substitute for meaningful analysis. *City of Antioch v. City Council* (1986) 187 Cal.App.3d 1325. Rather, an EIR must contain analysis sufficient to allow informed decision-making.

03-82

Since the County apparently has developed a Multi-Jurisdictional Hazard Mitigation Plan that may or may not address wildland fires, why has the DEIR not described this Plan and explained the nature of the updates that would be needed to protect life and property in the event of a wildfire? What would be the precise emergency response risks associated within each PSR area? What are the specific access constraints for each PSR area? How many of the roads leading to the PSR Areas meet County standards for sufficient emergency response, e.g., maximum length of dead end roads, fire access road widths, grades, and surface types? How long would it take residents within each PSR area to evacuate in the event of a wind-driven fire? How long would it take emergency responders to access each PSR Area? Is there sufficient County personnel to respond to emergencies? How would fires be fought in PSR Areas that are outside water district boundaries? These are just a few of the critical questions that require analysis, yet the DEIR does not provide answers to any of them.

03-83

The DEIR cannot simply punt this required analysis and identification of effective mitigation measures until after Project approval. To adequately disclose the Project’s impacts, the EIR must evaluate how emergency response would be managed and how evacuation plans would be implemented within each PSR Area. It is entirely feasible to provide this information. In fact, the County has the capability to model such scenarios, taking into account a site’s topography, fuel loads, atmospheric conditions, and fire intensity. The County’s Fire Behavior Modeling Protocol is able to compute fire danger indices based on the National Fire Danger Rating System. *See* San Diego County Guidelines for Determining Wildland Fire and Fire Protection, attached as Exhibit E. These Guidelines are intended to assist the County in the evaluation of adverse environmental effects that a proposed project may have from wildland fire and establish

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standards to ensure that development projects do not unnecessarily expose people or structures to a significant risk of loss, injury, or death involving wildland fires. This is the precise analysis that is missing from the DEIR. By not providing a comprehensive evaluation of these risks, the public and decision-makers are kept in the dark as to the inherent danger that would accompany the Project and whether development should even be allowed within each of the PSR Areas. The revised EIR must provide this analysis.

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Despite the DEIR's abject failure to analyze impacts relating to emergency response and evacuation, the DEIR nonetheless concludes that these impacts would be potentially significant and that they could be mitigated to a less-than-significant level with implementation of the GPU policies and mitigation measures adopted for the 2011 GPU. DEIR at 2.7-19. The DEIR's conclusion lacks an evidentiary basis and is actually contradicted by the DEIR itself. For example, 2011 GPU Policy M-1.2 calls for an interconnected road network to *decrease traffic congestion* to provide support for emergency access. PSR GPA DEIR at 2.7-28. The DEIR acknowledges however that rather than decrease traffic congestion, the Project would add 35,000 vehicle trips to the County's roadways each day and would cause several roads to operate at almost gridlock conditions, e.g., LOS E and F. See DEIR at 2.15-6—2.15-8.

03-85

2011 GPU Policy M-3.3 calls for rural roads to be constructed in a manner that meets travel demands and ensures public safety. *Id.* But, according to the transportation chapter of the DEIR, the roads in the PSR study area would not be safe at all because the County has made the decision to amend the General Plan Mobility Element to accept excessive levels of traffic congestion on at least five roadway segments. See DEIR at 1-6, 2.15-6—2.15-8. The DEIR further acknowledges that the Project would actually cause a significant and "unavoidable" deterioration in roadway safety because PSR Area roads do not meet County standards because, for example, they have horizontal and vertical curves that are too sharp and have slow moving agricultural equipment. DEIR at 2.15-8; 2.15-17. Consequently, the DEIR's conclusion that the Project's impacts relating to emergency response and evacuation could be mitigated to a less-than-significant level is simply unsupportable.

(ii) Impacts Relating to Wildland Fires.

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Based on the sparse analysis of emergency response and evacuation impacts, it comes as no surprise that the DEIR also provides an entirely superficial treatment of wildland fire impacts. Here too, the DEIR provides generic information explaining the obvious: "locating high density land uses adjacent to or within a wildland urban interface can result in increased fire related risk to people and structures." DEIR at 2.7-20. The

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closest the DEIR comes to an actual analysis of the Project's impact is the following sentence: "The Proposed Project would allow for an increase in allowed densities and/or development intensities, which would increase the potential to expose people or structures to significant risk in existing Very High Fire FHSZs." *Id.* The DEIR's failure to provide a comprehensive analysis of these impacts is particularly important because development in high fire hazard areas contributes to even greater fire risks. The increase in development in the WUI will not only expose more people to fire hazards, it will increase the likelihood that a fire will start in the first place. Residences, appurtenant structures, and motor vehicles are all potential ignition sources. Indeed, ninety-five percent of California's fires are caused by humans as opposed to natural causes such as lightning.¹² A number of studies have shown that adding housing to an area in California with low or no density, as is the case here, dramatically increases the number of fires and the amount of area burned.^{13,14}

03-87
Notwithstanding the DEIR's failure to study these impacts, it correctly concludes that the impacts would be significant. DEIR at 2.7-20. A conclusion of significance, however, cannot take the place of description and analysis of the impact. *See Stanislaus*, 48 Cal.App.4th at 195 (invalidating EIR that had failed to adequately analyze water supply impacts but found them to be significant and unavoidable). The DEIR's failure to provide a thorough analysis is all the more disturbing given that the County has the technical ability to do this work, i.e., conduct an analysis using the County's Fire Behavior Modeling Protocol.

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The DEIR also fails to adequately mitigate these impacts. Similar to the approach taken in regard to emergency response mitigation, the DEIR identifies the precise General Plan policies and mitigation measures that were determined to be ineffective in

¹² Syphard, A. D., V. C. Radeloff, J. E. Keeley, T. J. Hawbaker, M. K. Clayton, S. I. Stewart, and R. B. Hammer, *Human Influence on California Fire Regimes*. ECOLOGICAL APPLICATION 17:1388-1402 (2007) (included as Exhibit F).

¹³ Keeley, J. E. 2005. *Fire history of the San Francisco East Bay region and implications for landscape patterns*. INTERNATIONAL JOURNAL OF WILDLAND FIRE 14:285-296; *See also the National Interagency Fire Center (2001-2011)* (included as Exhibit G).

¹⁴ Syphard AD, Bar Massada A, Butsic V, Keeley JE (2013) *Land Use Planning and Wildfire: Development Policies Influence Future Probability of Housing Loss* (included as Exhibit H).

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mitigating the 2011 GPU's wildfire impacts. See PSR GPA DEIR at 2.7-29—2.7-30; 2011 GPU EIR at 2.7-29—2.7-30. Perhaps the single most effective approach to ensure that a land use project would not cause a significant risk of loss, injury or death involving wildland fires is to avoid developing houses in high fire hazard locations. If this Project is approved, the County would be making an irrevocable commitment to allow development in the wildland urban interface. As we explained above, if the County proceeds with the proposed Project, the County will not be planning for disaster, it will be planning a disaster.

03-89

(d) The DEIR Fails to Adequately Analyze and Mitigate the Project's Impacts on Water Supply Resources.

The proposed Project would require additional water supplies in order to serve development. While the DEIR acknowledges this need and identifies the potential for serious impacts to local groundwater districts in particular, the DEIR fails to adequately analyze the environmental implications of the Project's impacts to water supply. It also proposes no mitigation for impacts and concludes, incorrectly, that such impacts would be significant and unavoidable.

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Of paramount importance, the Project would be inconsistent with 2011 GPU Policy LU-8.2 which calls for the County to require development to identify adequate groundwater resources in groundwater dependent areas. The Policy states that: "In areas dependent on currently identified groundwater over-drafted basins, *prohibit new development* from exacerbating overdraft conditions." 2011 GPU at 3-30 (emphasis added). As discussed below, the Project's increase in groundwater demand would cause the Pauma Municipal Water District and the San Luis Rey Municipal Water District to have inadequate water supply (i.e., be in overdraft conditions). DEIR at 2.16-15. Consequently, the County must prohibit development in those PSR Areas that are within these water districts.

03-91

(i) The DEIR's Projected Water Supplies Are Uncertain.

CEQA requires that an EIR present decision-makers "with sufficient facts to evaluate the pros and cons of supplying the amount of water that the [project] will need." *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 430-31. This includes identifying and analyzing water supplies that "bear a likelihood of actually proving available; speculative sources and unrealistic allocations

(‘paper water’) are insufficient bases for decisionmaking under CEQA.” *Id.* at 432. The long-term nature of the Project does not excuse an adequate water supply analysis.

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The ultimate question under CEQA . . . is not whether an EIR establishes a likely source of water, but whether it adequately addresses the reasonably foreseeable *impacts* of supplying water to the project. If the uncertainties inherent in long-term land use and water planning make it impossible to confidently identify the future water sources, an EIR may satisfy CEQA if it acknowledges the degree of uncertainty involved, discusses the reasonably foreseeable alternatives—including alternative water sources and the option of curtailing the development if sufficient water is not available for later phases—and discloses the significant foreseeable environmental effects of each alternative, as well as mitigation measures to minimize each adverse impact. *Id.* at 434.

03-92

Here, the DEIR identifies the increase in water demand from the Project and explains that the demand would exceed existing water entitlements and that this would constitute a significant impact. DEIR at 2.16-14—2.16-15. However, the DEIR falls far short in analyzing the implications of this shortfall.

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Potable water for the Project area would be obtained by importing water supplies from water districts or pumping water from local groundwater basins. The majority of the PSR Analysis Areas are served by water districts that import water supplies from water districts (San Diego County Water Authority through the Metropolitan Water District), while the remainder of the County is provided with water service through groundwater dependent water districts or relies on on-site wells to obtain groundwater. DEIR at 2.16-13. The DEIR explains that the planning documents upon which various water districts rely to secure a sustainable long-term supply of water do not account for the growth allowed under the proposed Project. *Id.* at 2.16-13—2.16-14. The “analysis” stops there; it makes no attempt to evaluate how these water districts will actually supply water for the development allowed by the Project.

03-94

The DEIR’s evaluation of impacts on groundwater-dependent water districts provides a bit more information, and the conclusions are nothing short of alarming. For example, the DEIR explains that the Borrego Water Basin that would serve the 542 dwelling units within PSR Analysis Areas DS8 and DS24, has historically been in, and is currently in, an overdraft situation. DEIR at 2.16-15. Serving the Project would cause further substantial declines in groundwater storage. *Id.* The DEIR hints at the environmental implications of this shortage but it stops short of providing the necessary analysis CEQA requires. The DEIR discloses that service to the Project may result in the need for new wells to be replaced as water levels drop below perforated levels. Water

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quality impacts would also potentially occur as decreased water levels may induce flow of high salinity, poor quality connate water found in deeper formational materials of the affected aquifer. *Id.* The DEIR goes on to explain that this scenario may eventually necessitate additional expensive treatment of groundwater to make the water suitable as a drinking water supply. *Id.*

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The DEIR, however, never tells us which wells might need replacing nor does it make any attempt to evaluate the environmental impacts that would result from the construction and operation of the new wells. Nor does the DEIR describe the environmental implications of degraded water quality, including, for example, the effects to drinking water supply, plant, wildlife, and riparian resources that rely on or otherwise have access to Borrego Water Basin's water. The DEIR also ignores the impacts associated with building and operating groundwater treatment facilities to meet the Project's water demand. These foreseeable effects include impacts to air quality, traffic, and public safety due to construction activities. Moreover, expansion of wells and treatment facilities will also likely cause growth-inducing impacts as they will result in additional production capacity. All of these serious repercussions make clear that, in contravention of the Supreme Court's holding in *Vineyard Area Citizens*, the DEIR's analysis of water supply depends on future expansions in water availability that are far from certain. The revised EIR must acknowledge the uncertainty of this supply and consider alternative options, including reduced development. *Vineyard Area Citizens*, 40 Cal.4th at 434. With California's drought conditions, the revised EIR must also include an analysis of the viability of its water sources in light of historically unprecedented, drier conditions.

**(ii) The DEIR Does Not Adequately Analyze
Cumulative Water Supply Impacts.**

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The DEIR's analysis of cumulative water supply impacts is similarly devoid of any facts or evidence. The DEIR makes no effort to identify future potential water use for the land use projects identified in the DEIR's list of cumulative projects. *See* DEIR at 1-15—1-25. Instead, the DEIR simply states the obvious: cumulative projects would have the potential to increase the demand for potable water in the region in a manner that exceeds existing entitlements and resources. DEIR at 2.16-23. The revised EIR must identify the increase in cumulative water demand and evaluate whether water districts have the capability of meeting this demand. If the cumulative water supply impacts are determined to be significant, the revised EIR must identify mitigation measures and/or alternatives.

(iii) The DEIR Failure to Identify Any Feasible Mitigation for the Project's Significant Water Supply Impacts Is a Fatal Flaw.

03-97 The DEIR identifies just one mitigation measure for the Project's significant water supply impacts—implementation of a countywide moratorium on development—and promptly dismisses it as infeasible. DEIR at 2.16-28. This measure was considered in the context of the 2011 GPU and was found to be infeasible for two reasons. First, the DEIR explains that the measure would “impede the County’s ability to implement the General Plan because it would prohibit future development in areas identified for increased growth within the General Plan.” *Id.* Second, the measure would conflict with the “project objective to support a reasonable share of projected regional population growth.” *Id.* Neither of these reasons offers sufficient basis that this mitigation measure be rejected for the PSR GPA Project.

03-98 The 2011 GPU did not identify the PSR GPA Areas for growth. In fact, when it adopted the 2011 GPU, the Board of Supervisors explicitly rejected up-zoning these areas because they were identified as requiring a change to the GPU’s Guiding Principles. *See* Board of Supervisor’s January 9, 2012 Staff Report, attached as Exhibit B. Nor is the PSR GPA needed to meet the region’s population growth. In fact, as the DEIR explains, the Project would result in more intense land uses and contribute to local population growth that is not accounted for in the 2011 GPU. DEIR at 2.3-20; *see also* DEIR at 2.12-4 (Project would allow increases in residential development densities in the PSR Analysis Areas beyond the land use densities analyzed in the 2011 GPU EIR).

03-99 The County must reconsider the feasibility of this measure in light of the current Project. If a full moratorium on development is determined to be infeasible, the County could certainly evaluate the feasibility of a measure calling for substantially less development than the proposed Project – for example, a moratorium on subdivisions in areas outside of existing water service areas, or in service areas dependent on overdrafted groundwater basins.

(e) The DEIR Lacks a Legally Adequate Analysis of and Mitigation for the Project's Transportation and Traffic Impacts.

03-100 The DEIR appears to rely on an improper methodology for evaluating the Project's traffic impacts. The document explains that the current roadway segment *capacity* was used for the analysis of existing conditions, while the proposed *General*

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Plan roadway segment capacity was used for the analysis of the proposed Project under buildout conditions. DEIR at 2.15-3. There are at least two problems with this approach.

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First, by focusing exclusively on roadway capacity, the DEIR fails to take into account the current *volume* of traffic on area roadways or the *volume* of traffic that would be on these same roadways once the Project is implemented. A proper analysis under CEQA would describe the local and regional roadways' current level of service. The analysis of "with project" conditions should then add the Project's traffic to these same roadways and then describe the change in level of service. The DEIR's failure to conduct its analysis in this manner is particularly concerning because the County's Guidelines for Determining the Significance of Traffic Impacts require that an EIR evaluate whether a project would cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections). DEIR at 2.15-3. The end result of the DEIR's methodological error is that the document does not even disclose the Project's impact on all of the potentially affected roadways within each of the PSR Areas. Rather the DEIR simply identifies the four roadway segments that were determined to be deficient, assuming buildout of the General Plan plus the proposed Project. DEIR Table 2.15-3 at 2.15-24.

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The second problem with the DEIR's methodological approach is that the document appears to be comparing the Project's environmental impacts to a plan, i.e., the 2011 GPU, rather than existing conditions. This is confirmed by the DEIR's traffic technical appendix that shows that the DEIR analyzed the Project's traffic *impacts on the General Plan*. See DEIR Appendix E, Traffic Impact Report, at 16. This approach is inconsistent with CEQA case law. In *Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal.App. 4th 683, 708, the court held that the baseline was improper where the lead agency used the maximum build-out under existing zoning as the baseline rather than using the vacant lot that was actually on the ground. The court explained that without the proper baseline, "the EIR never presented a clear or a complete description of the project's impacts compared with the effects of leaving the land in its existing state." *Id.* Using a future indeterminate baseline, as the DEIR appears to do here, fails to disclose the severity of the Project's potential traffic impacts. While "future conditions" are important in the context of cumulative traffic impacts, the DEIR is remiss in its failure to evaluate the Project's impacts against traffic levels as they exist today.

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The revised EIR should conduct a new traffic analysis that corrects these methodological errors. If this new traffic analysis reveals significant traffic impacts, the

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EIR must identify mitigation measures and/or alternatives capable of reducing these impacts.

03-104

The DEIR also fails to adopt feasible mitigation for the Project's significant traffic impacts. Notwithstanding the DEIR's deficient impact analysis, the document identifies a few mitigation measures for the Project's impacts on Old Highway 395, Lilac Road and Pala Road/SR-76. DEIR at 2.15-14. The DEIR explains that widening these roads to improve capacity would have adverse impacts and the County has made the decision to add these roadways to the County's list of roadways accepted to operate at LOS E/F. DEIR at 2.15-15. The end result of this approach is that the DEIR identifies no feasible mitigation for the Project's significant impacts. The County's failure to even consider other types of mitigation for the Plan's traffic impacts is a violation of CEQA. Pub. Resources Code § 21002.

03-105

The revised DEIR must evaluate measures that would avoid traffic impacts in the first place. For example, the County could adopt a measure or a Project alternative that calls for directing the vast majority of growth to the 18 municipalities in the County. Such an alternative would focus growth in locations that are close to jobs, schools and other destinations so that residents of the Project would not be forced to drive their cars on local and regional roads in the first place. The revised EIR should also evaluate a measure calling for the County to contribute its pro-rata share to the regional transit district and to provide transit fare subsidies or free annual transit passes for the Project's residents. The County could also undertake a program where it actively recruits transit riders by distributing transit information utilizing the best technologies and promotional tactics. Adoption of these measures would go a long way toward reducing the Project's significant traffic impacts.

03-106

(f) The DEIR Lacks a Legally Adequate Analysis of and Mitigation for the Project's Air Quality Impacts.

Residents of San Diego County suffer from poor air quality. The San Diego air basin is currently classified as a federal and state nonattainment area for ozone and a state nonattainment area for PM₁₀ and PM_{2.5}. DEIR at 2.2-2. Given these severe air quality problems, one would expect that the DEIR would have provided a comprehensive analysis of the Project's air quality effects. Unfortunately, it does no such thing.

(i) **The DEIR Lacks an Adequate Evaluation of the Project's Potential to Delay Attainment of the Region's California and Federal Air Quality Standards.**

03-107 The DEIR provides a superficial analysis of the Project's potential to obstruct implementation of the local air quality plan before concluding this impact would be significant and unavoidable. DEIR at 2.3-26. The emissions inventory in the San Diego region is based on the San Diego Association of Governments' ("SANDAG") demographic, economic, and land use data. DEIR at 2.3-10. The DEIR does not, however, analyze how the demographic (i.e., growth) and land use data for the proposed Project compare to the region's air quality plan. Instead, it simply asserts that SANDAG's data *may not* account for the level of growth associated with the Project. *Id.* The DEIR then explains that future development allowed by the Project would be required to demonstrate consistency with the air quality plan. *Id.* at 2.3-9—2.3-10. The DEIR cannot simply defer this analysis until a later point. It is the explicit purpose of an EIR to "inform the public and responsible officials of the environmental consequences of their decisions before they are made." *Laurel Heights Improvement Assn. v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1123 ("*Laurel Heights II*"). To accomplish this purpose, an EIR must contain facts *and* analysis, not just an agency's bare conclusions. *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 568. Here, other sections of the DEIR, (e.g., the land use chapter) disclose that the Project's growth is not accounted for in SANDAG's growth forecast. DEIR at 2.9-73. Consequently, the DEIR must disclose to the public and decision-makers just how far the Project would set the region off course in delaying attainment of the region's air quality standards.

03-108 Nor does the DEIR propose mitigation capable of addressing this purportedly "unavoidable" impact. Here too, the DEIR identifies the precise General Plan policies and mitigation measures that were determined to be ineffective in mitigating the 2011 GPU's wildfire impacts. *See* PSR GPA DEIR at 2.3-22—2.3-23; 2011 GPU EIR at 2.3-33—2.3-36. Moreover, the PSR GPA DEIR makes clear that the County is not even implementing the General Plan policy that is specifically intended to prevent projects such as the one proposed here from being approved. In particular, Policy COS-14.1 (Land Use Development Form) requires that development be located and designed to reduce vehicular trips (and associated air pollution) by utilizing compact regional and community-level development patterns while maintaining community character. 2011 GPU EIR at 2.3-33; PSR GPA DEIR at 2.3-22. One of the most effective ways to reduce

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a project's air pollution impacts is to limit the potential for vehicular emissions in the first place. As we explained above, allowing decentralized development far away from urban areas, where there is little or no public transportation forces residents to use their cars for every trip—to work, shopping and schools.

(ii) **The DEIR Lacks the Evidentiary Basis that the Project's Increase in Operational Emissions Would Be Less than Significant.**

03-109

The DEIR determines that the Project would exceed the thresholds for non-attainment pollutants (ozone precursors (NO_x and VOC), PM₁₀, and PM_{2.5}) and that these exceedances constitute a significant impact. DEIR at 2.3-11, 2.3-13. The DEIR further acknowledges that the increased volumes of motor vehicles associated with the Project would contribute to regional emissions of CO, NO_x, PM₁₀, PM_{2.5}, SO₂ and VOC. DEIR at 2.3-12. Again, because the Project would build almost 2,000 houses well outside the County's urbanized areas, and because there is little or no transit serving these rural communities, residents of the Project will be forced to drive to all of their destinations. DEIR at 2.12-4. Consequently, it is imperative that the DEIR accurately account for the Project's mobile sources of air pollutant emissions. Unfortunately, the DEIR does not undertake this task; instead it lumps area-source and mobile-source emissions together. See DEIR Table 2.3-10 at 2.3-36. This methodological failure is important because the DEIR ultimately concludes that, with the implementation of Mitigation Measure Air-1.2, the Project's operational emissions would be mitigated to a less-than-significant level. DEIR at 2.3-13.

03-110

Mitigation Measure Air-1.2 would do nothing to reduce vehicular emissions as it merely calls for a prohibition on wood-burning stoves. DEIR at 2.3-23. While no one would debate that wood-burning stoves should be prohibited, there is simply no evidence that the implementation of this mitigation measure would reduce the Project's operational impacts to a less-than-significant level. CEQA requires that for every mitigation measure evaluated, the agency must demonstrate that the mitigation measure either: (1) will be effective in reducing a significant environmental impact; or (2) is ineffective or infeasible due to specific legal or "economic, environmental, social and technological factors." *Friends of Oroville v. City of Oroville* (2013) 219 Cal.App.4th 1352, 1359-61; Pub. Resources Code §§ 21002, 21061.1; CEQA Guidelines §§ 15021(b), 15364. The revised EIR must demonstrate that the Project's increase in mobile source emissions will not result in air quality violations.

(iii) The DEIR Fails to Evaluate the Project's Cumulative Air Quality Impacts.

03-111

The DEIR fails to provide *any* analysis of the Project's potential to result in significant cumulative air quality violations for all criteria air pollutants. Instead, it simply concludes such impacts would be significant and unavoidable. DEIR at 2.3-26. The closest that the DEIR comes to an analysis is the following sentence: "New residential development resulting from the Proposed Project would increase vehicle trips and would have the potential to result in an associated air quality violation of the CAAQS [California Ambient Air Quality Standards] or NAAQS [National Ambient Air Quality Standards] from the emission of criteria pollutants due to increased vehicle trips." DEIR at 2.3-20. To be adequate, the DEIR must actually quantify the increase in emissions from cumulative development so that the public and decision-makers understand the effect that this growth would have on air quality. *See, e.g., Berkeley Keep Jets Over the Bay Com. v. Bd. of Port Comrs.* (2001) 91 Cal.App.4th 1344, 1370-71; *Galante Vineyards*, 60 Cal.App.4th at 1123; *Santiago County. Water Dist.*, 118 Cal.App.3d at 831 (a lead agency may not simply jump to the conclusion that impacts would be significant without disclosing to the public and decision-makers information about how adverse the impacts would be). The revised EIR must make some attempt to quantify the cumulative increase in emissions and disclose just how far the Project and cumulative development would set the region off course from achieving the California and National air quality standards.

(g) The DEIR Lacks a Legally Defensible Analysis of and Mitigation For the Project's Climate Change Impacts.

03-112

Analysis of greenhouse gas ("GHG") emissions is particularly important with regard to climate change because we have already exceeded the capacity of the atmosphere to absorb additional GHG emissions without risking catastrophic and irreversible consequences. Therefore, even seemingly small additions of GHG emissions into the atmosphere must be considered cumulatively considerable. *See Communities for Better Environment v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 120 ("the greater the existing environmental problems are, the lower the threshold for treating a project's contribution to cumulative impacts as significant."); *see also Center for Biological Diversity v. National Highway Traffic Safety Admin.* (9th Cir. 2007) 508 F.3d 508, 550 ("we cannot afford to ignore even modest contributions to global warming.").

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The DEIR concludes that the Project would result in potentially significant impacts related to climate change, but that those impacts would be reduced to less than

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significant levels with proposed mitigation measures. DEIR at 2.17-1. The DEIR's impact analysis is fundamentally flawed, as is its approach to mitigation. The DEIR impermissibly relies upon a proposed threshold of significance based on a Climate Action Plan that has not yet been approved and that lacks evidence demonstrating its efficacy at mitigating climate change impacts. Moreover, the DEIR relies on statewide thresholds without any evidence that they are relevant to this Project in this location; fails to sufficiently mitigate for GHG emissions by permitting sprawl development while relying on undefined off-site and out-of-County offsets as mitigation; and fails to consider feasible mitigation measures. Each of these flaws is discussed below.

03-114

(i) **The County May Not Determine Significance By Relying on a Threshold of Significance and Climate Action Plan that Have Not Been Approved.**

The DEIR's determination of significance for GHG emissions contains a long discussion of the County's draft Climate Action Plan ("CAP"). The draft CAP includes the January 2018 *Draft Guidelines for Determining Significance: Climate Change* ("draft Guidelines"), which recites the following threshold for determining significance: "A proposed project would have a less than significant cumulatively considerable contribution to climate change impacts if it is found to be consistent with the County's Climate Action Plan[;]" conversely, a proposed project found inconsistent with the CAP would typically have a cumulatively considerable contribution. DEIR, 2.17-9 (quoting the draft Guidelines).

03-115

Section 15064.4(b) of the CEQA Guidelines provides that the extent to which a project complies with a local plan for reduction of GHG emissions is one factor, among others, that a lead agency should consider in determining the significance of a project's GHG impacts. However, the plan must have been approved or adopted by the relevant public agency following a public review process. Cal. Code Reg. § 15064.4(b)(3).

03-116

As of the date of this letter, the draft CAP and Guidelines have not yet been adopted.¹⁵ For this reason alone, the DEIR cannot use this threshold and the CAP to evaluate the significance of the Project's GHG emissions. The DEIR itself acknowledges this fact, explaining that the draft CAP "has not been adopted" by the Board of Supervisors. DEIR at 2.17-9. As a result, the DEIR's discussion of the CAP and the

¹⁵ On January 18, 2018, the Planning Commission approved the draft CAP and the draft Guidelines, but the Board of Supervisors has yet to act on them.

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Project's compliance with its requirements is purely hypothetical and cannot contribute to a determination of significance.

03-117

Approval of the Project prior to the adoption of a legally valid CAP would also violate the County's General Plan ("2011 GPU"). The 2011 GPU contains a mitigation measure (mitigation measure CC-1.2) that requires the County to adopt a CAP with "comprehensive and enforceable" measures to ensure that the County sufficiently reduces its GHG emissions to meet AB 32's goals. This mitigation measure is a crucial aspect of the 2011 GPU, and the GPU EIR made it clear that adoption of the CAP, among other measures, was necessary to mitigate the 2011 GPU's significant climate impacts. However, when the County first adopted its CAP, it failed to ensure that the Plan contained enforceable measures to reduce Countywide emissions to 1990 levels by 2020. Sierra Club successfully challenged the CAP, which the court invalidated. *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1159. Without an approved, valid CAP, the proposed Project cannot be found consistent with the General Plan's climate-related policies.

The proposed Project attempts to put the cart before the horse. In order to approve a major general plan amendment ("GPA") such as the Project, the County must first adopt a legally adequate CAP (as required by CC-1.2) and adopt thresholds based on that CAP (as required by mitigation measure CC-1.8). By reversing this order, the County would be approving a Project that is inconsistent with the General Plan and fails to implement mitigation measures CC-1.2 and CC-1.8.

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Moreover, substantial issues have been raised about the legal validity of the proposed CAP. Sierra Club and others have informed the County of the many flaws in the proposed CAP. For example, the mitigation measures in the proposed CAP continue to be speculative and not supported by substantial evidence, and would therefore be ineffective in reducing GHG emissions. *See* letter from J. Chatten-Brown to San Diego County Planning Commission, January 16, 2018; *see also* letter from D. Silver, EHL, to M. Soffel and A. Smith, November 30, 2017; and letter from C. W. Garrett to L. Fitzpatrick, January 16, 2018, attached as Exhibit I. These letters also explain that at its October 20, 2017, informational meeting, the Planning Commission indicated it was conducting cost-benefit studies for GHG emission reduction policies and may "de-emphasize some policies versus others." *Id.* It is therefore entirely unclear which CAP policies will remain within the document once it is adopted by the Board of Supervisors. The letters also informed the County that the CAP conflicts with the California Air Resources Board's ("CARB") Updated Scoping Plan and Updated Regional SB 375 targets. *Id.* Finally, the letters criticized the County's use of out-of-County offsets,

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stating that this use violates CEQA. If adopted as proposed, the CAP is likely to be challenged in court and invalidated, thereby rendering invalid any County approvals made in reliance on the CAP. The County should defer consideration of the Project until the CAP has been approved, and any litigation involving the CAP has been resolved.

(ii) **The DEIR Cannot Rely on Compliance with the CAP Because there Is No Evidence that the CAP's Reduction Targets Are Sufficient to Meet State Reduction Goals.**

03-119

The DEIR's reliance on the CAP is also improper because the CAP is substantively invalid under *Center for Biological Diversity v. California Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204 ("*Newhall Ranch*"). There, the Court held that the California Department of Fish & Wildlife erred in concluding that a project would not impede achievement of statewide reduction targets if the project's GHG emissions were reduced by the same percentage as the statewide targets. This approach failed to comply with CEQA because the EIR "simply assume[d]" that the level of reduction effort required in the statewide context would be sufficient for the specific land use development at issue, failing to support its finding of no significant GHG impacts with substantial evidence. 62 Cal.4th at 226. The Court explained:

At bottom, the EIR's deficiency stems from taking a quantitative comparison method developed by the Scoping Plan as a measure of the greenhouse gas emissions reduction effort required by the state as a whole, and attempting to use that method, without consideration of any changes or adjustments, for a purpose very different from its original design: to measure the efficiency and conservation measures incorporated in a specific land use development proposed for a specific location.

Id. Here, though the County's draft CAP claims to comply with *Newhall Ranch*, the CAP's analysis is flawed and not supported by substantial evidence, and the DEIR cannot rely on that document.

03-120

The CAP identifies two sets of emissions reductions targets for the County, in accordance with AB 32, SB 32, and Executive Orders B-30-15 and S-3-05. First, the County targets reductions from 2014 levels of 40% by 2030 and 77% by 2050. CAP, 2-11—2-12. These goals are based on the per capita targets CARB identified for the state. *Id.* Second, the County seeks to achieve 1990 emission levels by 2020 by reducing emissions from 2014 levels by 2%. The County selected this target by comparing the

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State's GHG inventories for 1990 and 2014 and simply applying this statewide trend to the County. *Id.* ("Applying this statewide trend at the county level, the County would also need to reduce emissions to two percent below 2014 levels to match 1990 levels.").

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The CAP's approach to setting County reduction targets is not supported by substantial evidence. In setting the reduction targets for 2030 and 2050 based on the statewide per capita reductions recommended by CARB, the CAP does exactly what the Supreme Court in *Newhall Ranch* warns against: it imports statewide reduction goals to the County without providing any evidence that these goals, as applied to the County, are sufficient to achieve the State targets. Similarly, the County uses the statewide 2020 goal of reducing emissions to 1990 levels without any information as to what those levels were in the County, whether the 2% increase in those levels statewide reflects increases in County levels over the same period, or whether, given differences in emissions among counties, a 2% reduction in emissions in San Diego is sufficient to avoid impeding the attainment of the State's targets. In fact, in contrast to evidence showing the State on track to meet its 2020 goal, San Diego County-specific data show that the County must do more to meet 2020 targets, and presumably *much* more to meet 2030 and 2050 targets. See San Diego County Updated Greenhouse Gas Inventory, Executive Summary, March 2013, attached as Exhibit J, which shows that even in the rosiest of scenarios, the County has not been on track to meeting AB 32 targets in 2020.

03-122

Because the CAP lacks evidence that its emissions reduction targets are sufficient to meet statewide goals, consistency with the CAP is not an appropriate significance threshold. Due to the CAP's inadequacies, decision-makers and the public have no way of knowing whether GPA projects that comply with the CAP would help the County contribute to statewide emissions reduction goals. The DEIR is thus deprived of its "sufficiency as an informative document." *Newhall Ranch*, 62 Cal.4th at 227 (citing *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 392).

03-123

(iii) The DEIR Lacks Evidentiary Support that the Project's GHG Impacts Would Be Mitigated to a Level of Less-Than-Significant.

The DEIR lacks evidentiary support for its conclusion that its sole mitigation measure—M-GHG-1—would reduce the Project's climate change impacts to a less-than-significant level. This measure calls for "future projects resulting from the proposed Project that increase their emissions above what is allowed in the 2011 GPU EIR to reduce their emissions to ensure that CAP emission forecasts are not substantially altered

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such that attainment of GHG reduction targets could not be achieved.” DEIR at 2.17-17. To meet this requirement, future projects must choose one of two options: (1) achieve no net increase in GHG emissions above 2011 GPU land use and zoning designations or (2) achieve carbon neutrality.

03-124

As an initial matter, in the absence of an approved and legally adequate CAP to explain the relationship between County emissions reductions and statewide reduction targets, there is no way to know whether emissions from the buildout of the 2011 GPU is an adequate standard for ensuring that new development will not impede attainment of statewide emissions reduction goals.¹⁶ Measure M-GHG-1 does not close this analytic gap.

03-125

There are numerous additional flaws in Measure M-GHG-1. First, rather than adopting a stringent mitigation measure now that would reduce GHG emissions from the proposed Project, the County simply kicks the can down the road. Measure M-GHG-1 requires that individual PSR projects must quantify their GHG emissions, compare these emissions to a nebulous GHG baseline, and then attempt to mitigate their project’s increase in emissions. Consequently, the DEIR proposes no mitigation at the program level. As a result of the DEIR’s failure to require such program-level mitigation, the County both surrenders an opportunity to meaningfully reduce GHG emissions from new development and increases the burden on future project applicants. GPAs involving new residential development should be required to reduce VMT and GHG emissions before they occur by locating new homes near employment and public transportation.

03-126

Second, because Measure M-GHG-1 calls for future project applicants to undertake sophisticated analyses without providing the necessary technical guidance, compliance (and therefore emission reduction) is unlikely. Specifically, the measure calls for applicants to determine whether their projects would increase emissions above those assumed in the 2011 GPU EIR (option 1) or over baseline conditions (option 2). DEIR at 2.17-17; 2.17-18. The document provides no explanation or guidance as to what methodology future project applicants would rely upon to undertake what would appear to be a complicated and complex analysis.

03-127

Third, the measure calls for future project applicants to evaluate their project’s emissions against the CAP’s emission forecasts and specifically to “ensure that CAP

¹⁶ Even *with* the draft CAP, this question remains unclear thanks to the CAP’s flaws.

03-127
can't.

emission forecasts are not substantially altered.” But, as we explained above, there is simply no evidentiary basis that the CAP’s emissions forecasts and its reduction targets would even meet state goals. Moreover, the CAP is likely be challenged in court and invalidated. Due to the CAP’s inadequacies, decision-makers and the public have no way of knowing whether future projects that comply with the CAP would help the County contribute to statewide emissions reduction goals.

03-128

Fourth, assuming that future project applicants are even capable of accurately quantifying the increase in their GHG emissions and then comparing these emissions to 2011 GPU emissions (option 1) or baseline emissions (option 2), Measure M-GHG-1 then calls for questionable approaches to reducing emissions. Applicants may achieve GHG emission reductions by first implementing all feasible on-site design features and mitigation measures and demonstrating compliance with the CAP Consistency Review Checklist. DEIR at 2.17-18. The DEIR never identifies the specific on-site design features that should be implemented, and it does not make any attempt to quantify the expected emission reductions that would be achieved with these design features. Moreover, if these design features are already required for future projects, or if they are insufficient to achieve the required GHG emissions reductions (whatever the future project applicant determines them to be), then there would be no way to reduce emissions to pre-GPA levels without offsets (which, as discussed below, is a flawed approach to reducing the County’s GHG emissions).

03-129

Fifth, the DEIR explains that if all on-site design features fail to achieve the required reductions, then applicants may turn to off-site mitigation, “including purchase of carbon offset credits.” DEIR at 2.17-18. This provision is highly problematic. The DEIR requires that carbon offset credits be purchased through “a CARB-approved registry, . . . the CAPCOA GHG Rx and the SDAPCD, or . . . any other reputable registry or entity that issues carbon offsets consistent with California Health & Safety Code section 38562(d)(1), to the satisfaction of the Director of PDS.” *Id.*

03-130

Measure M-GHG-1 fails to comply with CEQA’s rule that proposed offsets must be “not otherwise required.” Guidelines §15126.4(c)(3). This rule makes clear that only “additional” emission reductions—that is, reductions not otherwise required by law or likely to occur anyway—may be used to generate offsets for CEQA mitigation. The DEIR lacks evidence that there exist any offset programs capable of ensuring that offsets are “additional.” This is a particular concern given the DEIR’s allowance of international off-sets, which are especially challenging to verify.

03-131 In practice, even the most sophisticated offset programs have failed. A 2016 report prepared for the EU Directorate General for Climate Action concluded that nearly 75% of the potential certified offset projects had a low likelihood of actually contributing additive GHG reductions, and less than 10% of such projects had a high likelihood of additive reductions. See Exhibit K (*How additional is the Clean Development Mechanism? Analysis of the application of current tools and proposed alternatives*, Institute of Applied Ecology, March, 2016) at 11; see also Exhibit L (*Carbon Credits Likely Worthless in Reducing Emissions, Study Says*, Inside Climate News, April 19, 2017). Partly in recognition of these flaws, offsets are typically permitted to constitute only a very small part of an overall emission reduction program—for example, California’s cap and trade program allows no more than 8 percent reductions to come from offsets. There is simply no evidence that the undefined, unenforceable offsets proposed by the DEIR will cause any meaningful reduction to mitigate the permanent increase in GHG resulting from the sprawl development that the Project would allow.

03-132 Perhaps most important, Measure M-GHG-1’s approach of meeting its GHG reduction requirements with the use of out-of-County offsets simply allows the County to perpetuate sprawling land use development patterns. Projects such as the current PSR GPA, Warner Ranch, Newland Sierra, and others increase sprawl, VMT, and GHG emissions. This GPA and its mitigation, which allows in-County emissions to multiply while out-sourcing reductions to unreliable international offsets, violates both the letter and the spirit of CEQA.

03-133 **(iv) The DEIR Fails to Incorporate Feasible Mitigation Measures.**

The DEIR ignores many other feasible mitigation measures available to lessen the Project’s climate impacts. Because the Project will result in significant climate impacts, the County must adopt mitigation measures that will substantially reduce the severity of those impacts unless such mitigation is infeasible.

03-134 The County’s 2008 Interim Guidelines for Determining Significance, attached as Exhibit M, found that the following measures are often appropriate. To the extent they are not already incorporated into the Project design or proposed as mitigation, the County must consider and adopt the following feasible measures:

03-135 **Transportation and Motor Vehicles**

- Use low or zero-emission vehicles, including construction vehicles.

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- Promote ride sharing programs; e.g., by designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a web site or message board for coordinating rides.
- Create car sharing programs. Accommodations for such programs include providing parking spaces for the car share vehicles at convenient locations accessible by public transportation.
- Create local "light vehicle" networks, such as neighborhood electric vehicle (NEV) systems.
- Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles (e.g., electric vehicle charging facilities and conveniently located alternative fueling stations
- Build or fund a transportation center where various public transportation modes intersect.
- Provide public transit incentives such as free or low-cost monthly transit passes.

Energy Efficiency

03-136

- Site buildings to take advantage of shade, prevailing winds, landscaping and sun screens to reduce energy use.
- Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems in buildings.
- Install light colored "cool" roofs, cool pavements, and strategically placed shade trees.
- Provide information on energy management services for large energy users.
- Install energy efficient heating and cooling systems, appliances and equipment, and control systems.
- Install light emitting diodes (LEDs) for traffic, street and other outdoor lighting.

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- Limit the hours of operation of outdoor lighting.
 - Provide education on energy efficiency.

Renewable Energy

- 03-137
- Install energy-efficient heating ventilation and air conditioning. Educate consumers about existing incentives.
 - Use combined heat and power in appropriate applications.

Water Conservation and Efficiency

- 03-138
- Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls.
 - Design buildings to be water-efficient. Install water-efficient fixtures and appliances.
 - Restrict the use of water for cleaning outdoor surfaces and vehicles.
 - Implement low-impact development practices that maintain the existing hydrologic character of the site to manage storm water and protect the environment. (Retaining storm water runoff on-site can drastically reduce the need for energy-intensive imported water at the site.)

Exhibit M [2008 Interim Guidelines for Determining Significance], at 14-16.

03-139

In its January 2018 *Guidelines for Determining Significance*, the County also lists other sources of mitigation measures; the County must consider all of the measures listed in these documents in its revised EIR, and it must adopt all such measures or else provide substantial evidence demonstrating their infeasibility.

- Governor's Office of Planning and Research. 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 at: <http://www.opr.ca.gov/ceqa/pdfs/june08-ceqa.pdf>.

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- 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 at: <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 at: <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). The California Environmental Quality Act. Addressing Global Warming Impacts at the Local Agency Level. Available at: http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf.

2018 Guidelines, at 4-5.

(h) The DEIR Fails to Evaluate the Project's Energy Impacts.

03-140

CEQA requires agencies to analyze whether their projects will result in the wasteful or inefficient use of energy. Pub. Resources Code § 21100(b)(3); CEQA Guidelines, Appendix F. "Under CEQA, an EIR is 'fatally defective' when it fails 'to include a detailed statement setting forth the mitigation measures proposed to reduce wasteful, inefficient, and unnecessary consumption of energy.'" *Cal. Clean Energy Com. v. City of Woodland* (2014) 225 Cal.App.4th 173, 209 (quoting *People v. County of Kern* (1976) 62 Cal.App.3d 761, 774). In order to demonstrate that a project will not result in the wasteful use of energy, agencies must show that the project has decreased per capita energy consumption, decreased reliance on fossil fuel use, and increased reliance on renewable energy sources. *Id.*

03-141

Here, the DEIR states that it is not possible to identify the Project's increase in energy use. *See* DEIR at 2.16-20 (stating that "because energy supply and demand does not differentiate between jurisdictional boundaries, it is difficult to discuss energy in terms of the unincorporated area alone. Therefore, data presented in this section represents current energy conditions for the entire San Diego County region.") The DEIR may not evade its obligation to identify the Project's increase in energy demand

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simply because the task is too difficult. As explained by the Court in *Laurel Heights I*, “[w]e find no authority that exempts an agency from complying with the law, environmental or otherwise, merely because the agency’s task may be difficult.” 47 Cal.3d at 399. Moreover, the task is not too difficult; the County performed this precise analysis in a recent EIR prepared for the Warner Ranch Project. *See* Energy Chapter of Warner Ranch DEIR, June 2016, attached as Exhibit N. For the Warner Ranch DEIR, the County identified the amount of diesel fuel required for the Project’s energy consumption and for the Project’s construction-related operations; the amount of electricity and natural gas consumption for the Project’s operational needs (water treatment, conveyance, and distribution, wastewater service); and the fuel consumption associated with residential vehicular travel). *Id.*

03-142

Notwithstanding the DEIR’s failure to calculate the Project’s increase in energy demand, the document ultimately concedes that the Project would increase the amount of energy consumed in the region but explains that because the Project will comply with General Plan policies, any impacts would be less than significant. DEIR at 2.16-21. The DEIR lacks the evidentiary basis for this conclusion. A review of these policies reveals that they would not, and cannot, reduce the Project’s impacts. In fact, it is clear that the Project is directly inconsistent with the policies that it relies on to reduce its impacts to a less-than-significant level! For example, Policy COS-14.3 (Land Use Development Form) requires that development be located and designed to reduce vehicular trips (and associated air pollution) by utilizing compact regional and community-level development patterns while maintaining community character. DEIR at 5-34. For the reasons made clear throughout this letter, the Project is blatantly inconsistent with this Policy. Consequently, in addition to the fact that the DEIR cannot rely on this policy for purposes of reducing the Project’s impacts, the Project’s inconsistency with this Policy constitutes a significant impact.

03-143

As we explain throughout this letter, given the Project’s remote location and the fact that its residents would be forced to rely on their vehicles to travel to all destinations, the Project’s increase in fuel consumption alone would be considered a wasteful use of energy. The EIR must be revised to identify the Project’s increase in wasteful energy consumption and identify mitigation measures or a project alternative to reduce these impacts.

(i) The DEIR Fails to Adequately Analyze the Project's Inconsistency with the County's General Plan.

03-144
CEQA requires that EIRs analyze the consistency of a project with applicable local plans, including General Plans. *See Napa Citizens*, 91 Cal.App.4th at 386-87; CEQA Guidelines Appendix G, § IX (b). Inconsistencies with a General Plan or other local plan goals and policies that were enacted to protect the environment are significant impacts in themselves and can also be evidence of other significant impacts. *See id.*; *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 929. In addition, a recently issued California Court of Appeal opinion validates a jurisdiction's ability to deny a project because it does not comply with its general plan. *See Kutzke v. City of San Diego* (2017) 11 Cal.App.5th 1034, 1040-42.

03-145
Like all general plans, San Diego County's General Plan represents a legally enforceable "constitution" that governs land development. It also represents the region's vision for its future. To this end, in 2011, after many years and millions of dollars, the County updated its General Plan. A cornerstone foundation of the 2011 GPU is to concentrate growth in the western portion of unincorporated San Diego County, closer to existing infrastructure and to jobs and discretionary destinations. As the PSR DEIR explains, this was done to facilitate efficient, orderly growth, to reduce the potential for growth in the eastern areas, to protect natural resources, and to reduce vehicle miles traveled. DEIR at 2.9-9. The GPU calls for growth in rural areas to be concentrated in existing village centers, rather than in the low-density rural sprawl that characterized the prior General Plan. To achieve these objectives, the GPU includes several Guiding Principles. These Guiding Principles, in turn, were adopted as objectives for the proposed Project. DEIR at 1-10.

03-146
Because the Project calls for development outside the County's urbanized areas, it would directly contravene the GPU's Guiding Principles. It would cause population growth in the County's rural and semi-rural areas, in locations that are rich in ecological and agricultural resources. Consequently, residents in these remote locations would be forced to travel long distances to jobs. Because there is little to no transit in these rural areas, the Project would do nothing to promote multi-modal transportation. Instead, travel would occur by automobile, thereby increasing VMT, air pollution and GHG emissions. Thus, not only does the Project not achieve its own objectives, it is directly inconsistent with the GPU's Guiding Principles.

03-147
Although the DEIR acknowledges certain of the Project's inconsistencies with the 2011 GPU, it glosses over numerous, glaring inconsistencies, because it excludes from analysis the vast majority of the GPU's goals and policies. For example, the DEIR asserts that it need only analyze policies on which the 2011 GPU EIR relied to reduce environmental impacts.¹⁷ DEIR at 2.9-10. The only explanation for this approach is that the 2011 GPU was "self mitigating." *Id.* Yet, this claim lacks basis; the GPU was anything but "self-mitigating." As the EIR for the GPU disclosed, implementation of the GPU would result in significant and unavoidable impacts in almost every environmental impact category including aesthetics, agricultural resources, air quality, biological resources, hazards (wildland fires), hydrology and water quality, mineral resources, noise, traffic, and utilities and service systems. *See* 2011 GPU EIR Table S-1 at S-7 –S-20. Moreover, as discussed below, the PSR GPA DEIR ignores myriad 2011 GPU policies that were adopted for purposes of reducing environmental impacts.

03-148
Moreover, the DEIR ignores policies that would be relevant to further discretionary projects (2.9-10), despite the fact that these PSRs *will directly enable those projects*. The DEIR also eliminates the need to evaluate the Project's consistency with other (unspecified) policies asserting that these policies will be identified and evaluated for consistency during the Board's consideration of the proposed Project. Yet, the time for an analysis of the Project's consistency with the General Plan is now, during this EIR, especially because approval of the Project would be grossly inconsistent with the GPU's Guiding Principles. Understanding the serious implications of such inconsistencies at this early stage is imperative as the County has greater flexibility to consider more rigorous mitigation measures or project alternatives that are consistent with these foundational General Plan Principles.

03-149
Finally, and as discussed further below, the DEIR errs in its approach for the relatively few GPU policies it does analyze. In numerous instances, for example, the DEIR acknowledges the Project is inconsistent with a General Plan goal or policy only to conclude that such inconsistency would not constitute a significant impact because the ultimate discretion for making a consistency determination rests with the Board of Supervisors. *See e.g.*, DEIR at 2.9-11, 2.9-16, 2.9-18, 2.9-28. This approach thwarts the EIR's role as an informational document. The precise role of an EIR is to conduct the

¹⁷ The DEIR asserts: "Mitigation measures in the 2011 PEIR are incorporated both as policies in the General Plan and as implementation measures in the Implementation Plan and, consequently, the General Plan is generally considered to be "self-mitigating." DEIR at 2.9-9.

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analytical exercise to determine the Project's consistency with the General Plan. The DEIR provides this analysis. The fact that the Board of Supervisors *may* ultimately disagree with the DEIR's conclusion does not mean the inconsistency does not constitute a significant impact. In fact, following this flawed logic, the Supervisors could disagree with any one of the DEIR's conclusions within any environmental impact chapter thus undermining the integrity of the entire document. The EIR must be revised and recirculated to acknowledge that in each instance the Project is determined to be inconsistent with the General Plan, this inconsistency constitutes a significant impact.

(i) **The Project Is Flatly Inconsistent with 2011 GPU Land Use Policies.**

03-150

Policy LU-1.3: *This policy calls for designating land use designations in patterns to create or enhance communities and preserve surrounding rural lands. See 2011 GPU Land Use Element ("LUE") at 3-23. The DEIR provides no analysis of this policy despite the fact that the Project explicitly calls for the redesignation of more than 9,300 acres of rural and semi-rural lands. DEIR at 1-1. The Project would not preserve rural lands and is therefore inconsistent with Policy LU-1.3. This inconsistency also constitutes a significant impact of the Project.*

03-151

Goal LU-2; Policies LU-2.1, LU-2.3, LU-2.4, LU-2.5: *Goal LU-2 calls for the conservation and enhancement of the County's varied communities, rural setting and character. See 2011 GPU LUE at 3-24. This goal contains numerous policies calling for the maintenance of community plans to reflect the character and vision for individual unincorporated communities and the identification and maintenance of greenbelts between communities. 2011 GPU LUE at 3-25. The PSR GPA DEIR discusses only two of the relevant four policies: LU 2.3 (assign densities in a manner that is compatible with the character of unincorporated communities) and LU-2.5 (maintain greenbelts to reinforce the identify of individual communities), ignoring altogether the other three policies. Moreover, the DEIR's analysis of the two policies that it does analyze is entirely deficient.*

03-152

For example, the DEIR errs in its analysis of the Project's consistency with policies LU-2.3 and LU-2.5 for Analysis Area FB2+. Analysis Area FB2+ consists of almost 491 acres of land comprising many large agricultural operations, including extensive Williamson Act Contract lands. DEIR at 2.9-18. The northern end of the FB2+ Area proposed for SR-4 is at the end of the community with an "ideal" wildlife corridor, as it is adjacent to over 1,000 acres of undeveloped similar habitat to the north

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and northwest (with the majority in open space preserves). *Id.* This area is also within a PAMA of the draft North County MSCP. *Id.* Although there are planned higher density Specific Plan areas to the west, the FB2+ Analysis Area is separated from these Specific Plan areas by a mountainous area of biological preserves and agricultural preserves. *Id.* The DEIR asserts that this component of the Project would *not* be incompatible with the character of the existing community. DEIR at 2.9-18. This conclusion is unsupportable. Land use designations in the area currently allow just one dwelling unit per 20 or 40 gross acres. The Project would result in development as dense as one dwelling unit per four acres. DEIR at 1-35. Given the tranquil setting in this area of Fallbrook, there can be no debate that the Project would irreparably alter the character of this rural community thereby rendering this component of the Project inconsistent with Policy LU-2.3. In addition, this component of the Project would be inconsistent with LU-2.1 (guide development to reflect community character) and LU-2.4 (ensure land uses reflect character of Community Plan areas).

03-153

The DEIR correctly concludes that Analysis Area FB2+ would be inconsistent with Policy LU-2.5 (maintain greenbelts) because it would increase the density in an area of sensitive undeveloped habitat at the end of the Fallbrook community. DEIR at 2.9-18. The DEIR errs, however, because it opts to not identify this inconsistency as a significant impact as it defers to the Board of Supervisors to determine whether a greenbelt would be sufficiently maintained. DEIR at 2.9-18. It is the purpose of this DEIR to determine whether the up-zoning proposed by the Project would infringe upon the greenbelt. The DEIR acknowledges – based on clear evidence -- that it would. This inconsistency with Policy LU-2.5 constitutes a significant environmental impact.

03-154

Similarly, the DEIR concludes that Analysis Area FB21+ is inconsistent with Policy LU-2.3 (assign densities in a manner that is compatible with the character of unincorporated communities), yet the document does not identify this inconsistency as a significant impact because the Board of Supervisors may reach a different conclusion. DEIR at 2.9-20. The DEIR determined that this component of the Project would be inconsistent with Policy LU-2.3. This inconsistency with Policy LU-2.3 constitutes a significant environmental impact

03-155

Policy LU-5.3 (Rural Land Preservation): This policy calls for ensuring the preservation of existing open space and rural areas (e.g., forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, and groundwater recharge areas) when permitting development under the rural and semi-rural land use designations. See 2011 GPU LUE at 3-23. If approved, the Project would cause development of open space and rural lands and would result in significant and unavoidable impacts to

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agricultural lands, special-status plant and wildlife species, riparian habitats, and wildlife movement corridors. DEIR Table 1-8 at 1-35—1-37; S-8. Despite these facts, the DEIR provides no analysis of the Project's inconsistency with this policy. This egregious conflict with Policy LU-5.3 also constitutes a significant impact.

03-156

Goal LU-6 (Environmental Balance): *Goal LU-6 contains numerous policies requiring the protection of intact or sensitive natural resources and requiring that development be located to protect property from the risks of natural hazards, e.g., wildland fires. See 2011 GPU LUE at 3-28—3-29. The DEIR analyzes just 2 of the 12 relevant policies within Goal LU-6 (LU-6.2 and LU-6.11). It ignores altogether policies LU-6.1 and LU-6.10, both of which require the County take action to protect natural resources, property and residents from natural hazards. Id. (emphasis added.) The DEIR's failure to analyze the Project's consistency with policies LU-6.1 and LU-6.10 is a fatal flaw. Moreover, the DEIR's analysis of the two policies it does discuss is entirely inadequate.*

03-157

Regarding Policy LU-6.2 (assign densities to protect sensitive natural resources), the DEIR determines that certain PSR Analysis Areas would be consistent with this policy notwithstanding the fact that development in these locations would impact areas that have high biological value (e.g., contain coastal sage scrub and chaparral vegetation communities; are located within a PAMA and/or a Resource Conservation Areas; typically serve wildlife corridors; and where preservation is called for). This includes, for example, most of the 101-acre CD14 Analysis Area. DEIR at 2.9-28. The DEIR concludes that the development in Area CD14 would be consistent with Policy LU-6.2 because the Board of Supervisors could potentially adopt an alternative map that would consolidate development away from sensitive natural resources. *Id.* But there is no assurance the Board will adopt this alternative map. Consequently, this component of the proposed Project is inconsistent with Policy LU-6.2.

03-158

In other instances, the DEIR identifies inconsistencies with Policy LU-6.2 but does not identify these inconsistencies as significant impacts. *See e.g.,* FB2+, FB21+, and former Champagne Gardens Specific Plan Area. DEIR at 2.9-31, 2.9-33, 2.9-40. Again, the DEIR asserts that these Project components are not inconsistent with Policy LU-6.2 because the Board of Supervisors *may* come to a different conclusion or because mitigation measures for potential environmental impacts would potentially apply to future development. *Id.* The DEIR also looks to the mitigation measures identified for the proposed Project as evidence that the Project would not conflict with Policy LU 6-2. Here too, the DEIR is misguided. The DEIR's analysis of impacts to plant and wildlife species and to wildlife corridors concludes that such impacts would be significant and

unavoidable despite the implementation of mitigation measures. The Project is clearly inconsistent with Policy LU-6.2, which also constitutes a significant impact.

03-159 It is important to reiterate that had the DEIR analyzed the other ten policies included under Goal LU-6, including Policy LU6.1 (require the protection of sensitive natural resources), the DEIR would have determined that the vast majority of the PSRs would be inconsistent with this policy. These inconsistencies constitute significant impacts.

03-160 As regards Policy LU-6.11 (assign land use densities to minimize development in high fire hazard areas), the DEIR determines that certain PSR Analysis Areas would be consistent with this policy notwithstanding the fact that the majority of PSR Analysis Areas are located within designated Very High Fire Hazard Severity Zones, have difficulty meeting the maximum dead-end road length requirements, have challenging secondary access issues, and would not meet emergency response travel time standards. These include, for example, CD14, NC22, NC37, VC51 Analysis Areas. DEIR at 2.7-20, 2.9-29, 2.9-35, 2.9-37. These conclusions of consistency cannot be sustained. Because each of these PSR Areas would be inconsistent with this General Plan policy, the EIR must identify these inconsistencies as significant impacts.

03-161 In another instance, the DEIR identifies a clear inconsistency with Policy LU-6.11 but does not identify this inconsistency as a significant impact because decision-makers could arrive at a different consistency determination. *See e.g.*, DEIR at 2.9-31 (discussing FB2+). We find it baffling to assert that the Board could arrive at a different conclusion in light of the fact that FB2+ is within a High Fire Hazard Severity Zone, there has been limited fire clearing, and the emergency response travel time is well beyond the County's standards. *Id.* The DEIR's analysis of wildland fire impacts determines the Project's potential to increase development in areas that are prone to wildland fires constitutes a significant and unavoidable impact. DEIR at 2.7-33. Clearly, the nature of this General Plan inconsistency also constitutes a significant impact.

03-162 Finally, if the DEIR had actually analyzed the other policies included under Goal LU-6, including Policy LU-6.10 (require that development be located to protect property from the risks of hazards), the DEIR would have determined that the vast majority of the PSRs would be inconsistent with this policy given their location in High Fire Hazard Severity Zones, their inadequate emergency access, and the DEIR's own acknowledgement that Project's potential to increase development in areas that are prone to wildland fires constitutes a significant and unavoidable impact. DEIR at 2.7-33. These inconsistencies with the General Plan policies constitute significant impacts.

03-163
Goal LU-7 (Agricultural Conservation): This goal calls for land use plans that retain and protect farming and agriculture as beneficial resources that contribute to the County's rural character. Policy LU-7.1 calls for the County to protect agricultural lands with lower-density land use designations that support continued agricultural operations. 2011 GPU at 3-30. Analysis Areas BO18+, DS8, FB2+, FB21+, ME26, NC37, VC 7+, VC51, VC57+, and the former Champagne Garden Specific Plan contain varying amounts of agricultural lands and varying types of agricultural operations including citrus, avocados, and vineyards. DEIR at 2.9-42—2.9-46. The DEIR concludes, however, these components of the Project would not conflict with agricultural operations because the County has determined that areas allowing one dwelling unit per two acres would support agricultural operations. Id. According to the DEIR, however, the Project would cause the direct conversion of 4,724 acres of agricultural lands within the PSR Analysis Areas and the indirect conversion of an unspecified amount of agricultural lands. DEIR at 2.2-1, 2.2-6, 2.2-8. Both of these impacts were determined to be significant and unavoidable.

A project that results in the direct loss of nearly 5,000 acres of agricultural lands cannot be considered “a land use plan that retains and protects farming and agriculture.” 2011 GPU LUE at 3-30. The Project is clearly inconsistent with Policy LU-7.1, which also constitutes a significant impact.

03-164
Goal LU-8 (Aquifers and Groundwater Conservation): This Goal and Policy LU-8.1 call for the County to require land use densities in groundwater dependent areas to be consistent with long-term sustainability of groundwater supplies. 2011 GPU LUE at 3-30. To be consistent with this Goal and Policy, the County's Groundwater Ordinance requires a minimum lot size of eight acres. DEIR at 2.9-47. The Project calls for changing land uses in Analysis Area FB2+ from RL-20 and RL-40 to a combination of SR-4 and RL-20. DEIR at 1-35. FB2+ is outside the County Water Authority boundary and is groundwater dependent. DEIR at 2.9-48. The DEIR focuses exclusively on the RL-20 designation when it concludes that the Project would not be inconsistent with this Goal and Policy. Id. A land use designation of SR-4 would not be consistent with the General Plan, which also constitutes a significant impact. Furthermore, as discussed above, the DEIR determined that the Project's impact on water supplies, including groundwater, would constitute a significant and unavoidable impact. This provides further evidence that the decision to up zone lands within these PSR Areas would be inconsistent with Goal and Policy LU-8.1

03-165
Policy LU-10.2 (Semi- Rural and Rural Lands – Development – Environmental Resource Relationship): This Policy calls for the County to require development in Semi-Rural and Rural areas to respect and conserve the unique natural features and rural character, and avoid sensitive or intact environmental resources and hazard areas. The DEIR provides no analysis of the Project's consistency with Policy LU-10.2. For the reasons discussed above in the context of Policies LU 2.1, 2.3, 2.4, 2.5, 5.3, 6.1—6.11, 7.1 and 8.1, the Project is inconsistent with this Policy, which also constitutes a significant impact.

03-166
Policy LU-8.2: Groundwater Resources: This Policy calls for the County to require development to identify adequate groundwater resources in groundwater dependent areas: "In areas dependent on currently identified groundwater over-drafted basins, prohibit new development from exacerbating overdraft conditions. Encourage programs to alleviate overdraft conditions in Borrego Valley." 2011 GPU at 3-30 (emphasis added). The DEIR provides no analysis of the Project's consistency with Policy LU-8.2. The Project is, however, inconsistent with this Policy because, as discussed above and as the DEIR acknowledges, the Project's increase in groundwater demand would cause the Pauma Municipal Water District and the San Luis Rey Municipal Water District to have inadequate water supply (i.e., be in overdraft conditions). DEIR at 2.16-15. Consequently, the County must prohibit development in those PSR Areas that are within these water districts. In addition, the revise EIR must analyze the consistency of the remaining PSR Areas with Policy LU-8.2.

(ii) **The Project Violates the Policies Within the 2011 GPU Conservation and Open Space Element.**

03-167
Policy COS -2.1 (Protection, Restoration and Enhancement): COS-2.1 calls for the County to protect and enhance natural wildlife habitat. See 2011 GPU COS Element at 5-8. The DEIR does not analyze the Project's consistency with this Policy. For the reasons explained above in the context of Policies LU 5.3, LU 6.2 and LU 10.2, and because the Project's impacts on special-status species, riparian habitat and other sensitive natural communities, and wildlife movement corridors would be significant and unavoidable, the Project is inconsistent with Policy COS 2.1.

03-168
Policy COS-11.1 (Protection of Scenic Resources): Policy COS- 11.1 requires the County to protect scenic highways, corridors, regionally significant scenic vistas, and natural features, including prominent ridgelines, dominant landforms, reservoirs, and scenic landscapes. See 2011 GPU COS Element at 5-29. By the DEIR's own admission, the Project would increase development densities in PSR Areas which would result in the degradation of the visual character and quality of the communities and determines that this impact would be significant and unavoidable. DEIR at 2.1-29. Consequently, there is no reasonable basis to conclude that the Project is consistent with this Policy. This inconsistency constitutes a significant impact.

03-169
Policy COS-13.1 (Preservation of Dark Skies): Policy COS- 13.1 requires the County to restrict outdoor light and glare from development projects in Semi-Rural and Rural Lands and designated rural communities to retain the quality of night skies by minimizing light pollution. See 2011 GPU COS Element at 5-30. By the DEIR's own admission, the Project would increase light and glare in PSR Areas which would adversely affect day or nighttime views and determines that this impact would be significant and unavoidable. DEIR at 2.1-29, 2.1-30. Consequently, there is no reasonable basis to conclude that the Project is consistent with this Policy. This inconsistency constitutes a significant impact.

03-170
Goal COS-14 and Policy COS-14.1 (Sustainable Land Use Development): Policy COS- 14.1 calls for development to be located and designed to reduce vehicular trips (and associated air pollution) by utilizing compact regional and community-level development patterns while maintaining community character. See 2011 GPU COS Element at 5-34. As an initial matter, the DEIR takes the absurd position that interpretation of this policy is subjective since there is "no development project" and that this policy can be interpreted various ways. DEIR at 2.9-54. Although the "design" of development may be project specific, the "location" of development depends entirely on land use planning. As this policy makes clear vehicular trips (both the number and length) can be reduced primarily by utilizing compact and community-level development patterns. The proposed Project is the opposite of "utilizing compact regional and community level development patterns" and so is clearly inconsistent with this Goal and Policy.

The DEIR then discusses each of the PSR Areas and concludes that, with the exception of Areas DS24 and FB21+, all of the development contemplated within these rural communities would be consistent with this Policy. See DEIR at 2.9-54—2.9-60.

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Again, the Project is clearly inconsistent with this Policy as it would add more than 35,000 automobile trips to area roadways and would cause significant and unavoidable traffic impacts. DEIR at 2.15-1; 2.15-26. It would also result in significant and unavoidable air quality impacts. DEIR at 2.3-26. In sum, there is no reasonable basis to conclude that this Project constitutes sustainable land use development.

(iii) The Project Is Inconsistent with Policies in the General Plan's Safety Element.

03-171

Goal S-1 and Policy S-1.1 COS-11.1 (Enhance Public Safety and Protection of Property): Policy S-1.1 calls for the County to minimize the population exposed to hazards by assigning land use designations and density allowances that reflect site specific constraints and hazards. See GPU Safety Element at 7-4. The DEIR fails to adequately analyze the Project consistency with this policy as it pertains to exposure to wildfire. In certain instances, (e.g., BO18+), the DEIR concludes the Project would be inconsistent with Policy S-1.1 because the Analysis Area is within Very High and Moderate Fire Hazard Severity Zones with challenging access (and in some circumstances no access at all) given the Area's steep slopes, steep roadside drop-offs and limited fire clearance due to the presence of sensitive vegetation. DEIR at 2.9-61. The DEIR errs however, because it does not identify this inconsistency as a significant impact because, again, the decision-makers may arrive at a different conclusion and because mitigation measures would be applied to future development. *Id.* As we explained above in the context of Policy LU-6.11, a determination that a project that exposes residents to severe fire hazards is consistent with this Policy would be unsupportable. In fact, the Board should rely on this Policy to specifically reject the up-zoning of PSR areas that are located in high fire hazard zones which have limited fire clearing, and emergency response travel times that do not achieve County standards.

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In other instances (e.g., Analysis Areas CD14, DS24, FB2, FB17, FB19, ME26, ME30A, NC3A, NC18A, NC22, NC37, PP30, SD15, VC7+, VC51 and VC52+), the DEIR incorrectly concludes the proposed land use designations would not expose population and property to hazards associated with wildfire, and therefore that the Project would be consistent with Policy S-1.1. This conclusion is absurd. The analysis for each of these Analysis Areas acknowledges the areas' location in Moderate to Very High Fire Hazard Severity Zones. Many of the areas have challenging access constraints and would not meet the County's emergency response standards. Moreover, as the DEIR itself concludes, the Project's potential to increase development in areas that are prone to wildland fires constitutes a significant and unavoidable impact. DEIR at 2.7-33. The Project's inconsistency with Policy S-1.1 constitutes a significant impact.

03-173

(iv) The DEIR Fails to Analyze the Project's Potential to Conflict with the Forest Conservation Initiative Lands.

The DEIR fails to evaluate the Project's consistency with the Forest Conservation Initiative ("FCI") or impacts on the lands covered by the FCI. FCI is a 1993 voter initiative protecting certain forest lands in the County. In 2010, while the 2011 GPU was being prepared, the Board of Supervisors directed staff to prepare a separate General Plan Amendment to address the FCI lands. See DEIR at 1-18; see also Board of Supervisors' January 9, 2012 Staff Report (Exhibit B).

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Because the proposed land use maps for the FCI lands and adjacent lands have been developed based on the current General Plan Guiding Principles, the Staff Report concluded that PSRs that require changes to those Guiding Principles would result in the greatest potential impact to the FCI lands planning process as it would require all draft land use maps for the FCI lands to be reevaluated in light of the revised Guiding Principles. *Id.* The Staff Report goes on to explain that even those PSRs that do not involve changes to the Guiding Principles could impact the FCI lands planning process. Because the remapping of the FCI lands closely considers the land use designation of adjacent parcels, "the draft land use maps for the FCI lands would also need to be reevaluated if any land use changes are made to accommodate PSRs adjacent to FCI lands." *Id.* at 5.

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Despite the Staff Report's identification of this consistency issue, the DEIR lacks any consideration of the impact of the Project on FCI Lands or adjacent lands. Although the DEIR includes the FCI in its list of cumulative projects, the document fails to even identify the location of the FCI lands let alone analyze the Project's potential to conflict with the FCI land planning process. The revised EIR must provide this information and analysis.

03-176

(v) The DEIR Fails to Adequately Analyze the Project's Inconsistency with San Diego Forward: The Regional Plan

The preeminent goal and performance target of SANDAG's Regional Transportation Plan/Sustainable Community Strategy ("RTP/SCS"), as mandated by SB 375, is to reduce per-capita GHG emissions from cars and light-duty trucks to meet

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CARB's 2020 and 2035 reduction targets for the region.¹⁸ The DEIR acknowledges that the Project would be inconsistent with the RTP/SCS because it would increase dwelling units in more rural areas, farther from densities of incorporated cities. DEIR at 2.9-74. While the DEIR is correct to acknowledge this inconsistency as a significant impact, it fails to provide a sufficient degree of analysis to inform the public about the proposed Project's adverse environmental impacts and to allow decision-makers to make intelligent judgments.

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Rather than study the environmental implications of this inconsistency, the DEIR takes the legally impermissible easy route: it simply labels impacts as significant, without offering any information on the nature or scope of the problem. It is not sufficient to simply assert that an impact is significant and then move on. This approach does not allow decision-makers and the public to understand the severity and extent of the Project's environmental impacts. *See, e.g., Berkeley Keep Jets*, 91 Cal.App.4th at 1370-71; *Galante Vineyards*, 60 Cal.App.4th at 1123; *Santiago County Water Dist.*, 118 Cal.App.3d at 831 (a lead agency may not simply jump to the conclusion that impacts would be significant without disclosing to the public and decision-makers information about how adverse those impacts would be).

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The fact that the Project would increase dwelling units in rural areas is not a trivial detail. Rather than growing "out," the RTP/SCS anticipated that about 80 percent of all housing would be developed within the urbanized areas in the western part of the County.¹⁹ Accordingly, the RTP/SCS called for achieving GHG emission reduction goals using land in a way that makes development more compact, conserving open space and by reducing vehicle miles travelled ("VMT") throughout the region. *Id.*; *see also* DEIR at 2.3-7. Yet, the Project's remote location will ensure that the majority of residents will be forced to rely on automobiles for virtually all of their transportation needs. Despite this fact, we can find no information in the DEIR about the Project's vehicular trip lengths. Moreover, the only reference to Project-related VMT appears in

¹⁸ See San Diego Forward: the Regional Plan Summary; available at: <http://www.sdforward.com/about-san-diego-forward/how-we-will-grow>; accessed January 29, 2018.

¹⁹ See San Diego Forward: the Regional Plan Summary; available at: <http://www.sdforward.com/about-san-diego-forward/how-we-will-grow>; accessed January 29, 2018.

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the air quality chapter where the DEIR explains that the proposed Project would result in more intense land uses and contribute to local population growth, employment growth, and associated increases in VMT that is not accounted for in the General Plan. DEIR at 2.3-11. We can find no indication that the DEIR ever quantifies Project-related VMT. The revised EIR must identify Project-related VMT and then evaluate how this VMT compares to SANDAG's VMT assumptions for San Diego County.

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To compound matters, in its analysis of the Project's consistency with the RTP/SCS, the DEIR does not even acknowledge that the Project is not accounted for in SANDAG's growth forecast. Indeed, this information is buried in the DEIR's land use chapter. DEIR at 2.9-73. The fact that SANDAG has not planned for the proposed Project is also not a trivial detail. The DEIR must actually *analyze* the implications of this unplanned growth because SANDAG's growth projections are based on population and vehicle trends and land use plans developed as part of the 2011 GPU. DEIR at 2.3-5. In particular, the DEIR should have specifically disclosed the magnitude of the difference between the Project's density and number of units compared to the assumptions in the RTP/SCS and then evaluated how far off course the Project would set the region from achieving the goals set forth in the RTP/SCS.

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It is also important to note that the Project, because of its location and the inherent conflict with the RTP/SCS, does not comply with the mitigation measures identified in the 2011 GPU EIR. For example, General Plan mitigation measure CC-1.3 calls for the County to work with SANDAG to achieve regional GHG reduction goals associated with land use and transportation. DEIR at 2.17-14. And General Plan mitigation measure CC-1.2 calls for "a 9% reduction in community emissions between 2006 and 2020." *Id.* The Project, however, moves the County in the opposite direction, changing land use designations in a way that will greatly increase transportation-related GHG emissions. (See DEIR at 2.17-11, "The primary source of [the Project's] operational GHG emissions comes from the mobile sources associated with the daily activity of the project (i.e., light-duty trucks and automobiles.")

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The DEIR fails to identify feasible mitigation to reduce the Project's inconsistency with the RTP/SCS. The County's draft CAP (in which the DEIR relies to reduce the Project's GHG emissions) proposes, as part of its strategy to reduce VMT, "focusing density in the county villages" and "not developing housing in the more remote areas." CAP at 3-9. The Project, of course, does the exact opposite as it increases density outside

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of the villages, in those very same remote areas.²⁰ The draft CAP's Consistency Review Checklist, with which projects must demonstrate compliance to mitigate their GHG emissions, contains no measures with which to reduce VMT from residential development. The only mitigation that would even begin to address the Project's increase in GHG emissions (and inconsistency with the RTP/SCS) is the purchase of carbon offsets, which is highly flawed and inadequate, as discussed above. Additionally, out-sourcing emissions reduction efforts through offsets while allowing GHG emissions to multiply within the County runs counter to the spirit of the State's climate change policies and goals.

C. The DEIR's Analysis of Project Alternatives Is Inadequate.

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Under CEQA, a proper analysis of alternatives is essential to comply with the Act's mandate that significant environmental damage be avoided or substantially lessened where feasible. Pub. Resources Code § 21002; CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15126(d); *Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433, 443-45. As stated in *Laurel Heights I*, "[w]ithout meaningful analysis of alternatives in the DEIR, neither the courts nor the public can fulfill their proper roles in the CEQA process . . . [Courts will not] countenance a result that would require blind trust by the public, especially in light of CEQA's fundamental goal that the public be fully informed as to the consequences of action by their public officials." 47 Cal.3d at 404.

Critically, an EIR must consider a "reasonable range" of alternatives "that will foster informed decision-making and public participation." CEQA Guidelines § 15126.6(a); *Laurel Heights I*, 47 Cal.3d at 404 ("An EIR's discussion of alternatives must contain analysis sufficient to allow informed decision-making."). The discussion of alternatives must focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly. CEQA Guidelines § 15126.6(b). The DEIR for the Project fails to heed these basic mandates.

²⁰ Moreover, this fact illustrates a weakness of the draft CAP itself. The CAP contains no enforceable measures requiring the County to locate new residential housing near transit and employment centers.

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As a preliminary matter, the DEIR's failure to disclose the extent and severity of the Project's broad-ranging impacts necessarily distorts the document's analysis of Project alternatives. As a result, the alternatives are evaluated against an inaccurate representation of the Project's impacts. Proper identification and analysis of alternatives is impossible until Project impacts are fully disclosed. In addition, the DEIR fails to provide an adequate analysis of the one alternative (the "reduced density" alternative) the DEIR identifies. Moreover, this alternative fails to meet CEQA's clear mandate because it, like the Project, would result in significant and unavoidable impacts in virtually every environmental impact category.

1. **The DEIR's Alternatives Analysis Is Confusing and Does Not Allow for a Comparison Between the Project and the Reduced Density Alternative.**

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The DEIR asserts that it identifies an alternative that reduces the density for each of the PSR areas except for Areas FB19+ and ME26. DEIR at 4-2. This does not appear to be an accurate statement because it appears the DEIR may not have identified a reduced density alternative for other Analysis Areas including VC7+, VC51 and VC57+. The DEIR explains that for these Valley Center areas, the DEIR only evaluates the Project itself and a No-Project alternative. DEIR at 4-2. Yet, later in the chapter, the DEIR identifies a reduced density alternative for VC7+, VC51 and VC57+. *See* DEIR at 4-78.

It is critical that the EIR clarify this issue because the Project would allow an additional 500 dwelling units in VC7+, VC51 and VC57+. Each of these Areas has environmental constraints. *See* DEIR at 1-8; VC 7+, VC51, VC57+ Analysis Area Reports. VC 7+ contains coastal sage scrub, riparian wetlands, and steep slopes, and the majority of the area is in a Moderate Fire Hazard Severity Zone. *See* AR 7+ Analysis Report at 15. The majority of VC 51 is also within a Moderate Fire Hazard Severity Zone, has 15-20 minute emergency response time, and contains steep slopes. *See* AR51 Analysis Report at 14. VC57+ has steep slopes, sensitive habitats including coastal sage scrub, pockets of oak woodlands and cottonwood and willow riparian/floodway areas, and wetlands. *See* AR57+ Analysis Report at 15. Given the sensitive resources, steep slopes, and locations within Moderate Fire Hazard Severity Zones, if the DEIR did not identify a reduced density alternative for these areas it must do so in order to reduce the Project's myriad significant and unavoidable environmental impacts.

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2. **The DEIR Does Not Provide Adequate Information About the Reduced Density Alternative.**

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For those PSR Areas in which the Project identifies a reduced density alternative, the DEIR explains that the alternatives would reduce the Project's significant environmental impacts. DEIR at 4-3. Yet, the DEIR does not provide sufficient analysis of the reduced density alternative to allow for informed decision-making. For example, regarding agricultural resources, the DEIR compares the number of dwelling units under the Project and the reduced density alternative, but it does not identify the acreage of agricultural lands that would be lost for the individual PSR areas or even for the reduced density alternative as a whole.

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Nor does the DEIR provide sufficient detail regarding the reduced density alternative's impacts on biological resources. The DEIR explains that the proposed Project contains over 8,400 acres of land that could potentially support special-status species. DEIR at 4-14. The document does not, however, identify the acreage of lands that support special-status species for the individual PSR areas or even for the reduced density alternative as a whole. Nor does the DEIR make any attempt to analyze the specific impacts to special-status species that would result from the alternative. The DEIR also does not disclose any specific information about how the reduced density alternative would potentially reduce impacts to riparian habitat and other sensitive communities or to the wildlife corridors that occur within the PSR Areas. This information is critical because the DEIR concludes that the Project would result in significant and unavoidable impacts to all of the aforementioned biological resources.

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The DEIR also lacks specific information relating to the Project's significant and purportedly unavoidable wildland fire impacts. Here, the DEIR could have easily identified the acreage of land within each PSR Area that would be within the moderate, high, and very high fire hazard zones for both the Project and the reduced density alternative but it does not provide this information. This analysis would have allowed the decision-makers to determine whether sufficient effort was being made to avoid developing houses in some of the most hazardous areas of the County. Here too, the DEIR only states that the amount of impacts associated with wildland fire would be lessened with the reduced density alternative. DEIR at 4-27.

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The DEIR also lacks any meaningful information regarding the reduced density alternative's impact on water supplies. The DEIR never discloses, for example, whether the alternative would prevent the groundwater districts going into overdraft to serve the development allowed under the alternative. DEIR at 4-29. It is not sufficient to simply assert, as the DEIR does, that the alternative would lessen impacts relating to groundwater supplies and recharge. *Id.* Under CEQA, an EIR's discussion of

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alternatives must contain analysis sufficient to allow informed decision-making. CEQA Guidelines § 15126.6(a).

3. The DEIR Does Not Analyze a Reasonable Range of Alternatives.

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In light of the Project's extensive significant and purportedly unavoidable impacts, it is incumbent on the County to carefully consider a range of feasible alternatives to the Project. A reasonable range of alternatives includes options that will avoid or substantially lessen the Project's significant environmental impacts. Unfortunately, the DEIR does not identify such an alternative. Other than the no project alternative, the only alternative the DEIR identifies would cause extensive environmental harm. Again and again, the DEIR discloses that the reduced density alternative would result in significant and unavoidable impacts in the following categories: indirect conversion of agricultural resources; conflicts with adopted air quality plans, air quality violations, nonattainment of criteria pollutants, sensitive receptors; special-status plants and wildlife species, riparian habitat and other sensitive natural communities, wildlife movement corridors and nursery sites; wildland fires; groundwater supplies and recharge; conflicts with land use plans, policies, and regulations; mineral resources; noise; population and housing; school services; traffic and levels of service standards; road safety; and water supply. DEIR at 4-7—4 -64. Consequently, the DEIR's approach to its alternatives analysis violates CEQA's mandate that significant environmental damage be avoided or substantially lessened where feasible. Pub. Resources Code § 21002. To ensure that the public and decision-makers have adequate information to consider the effects of the proposed Project, the County must prepare and recirculate a revised EIR that considers additional meaningful alternatives to the Project.

4. The DEIR Must Consider Other Feasible Alternatives Capable of Avoiding or Substantially Reducing the Project's Significant Environmental Impacts.

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Given that the DEIR identifies only one alternative, and because this alternative results in significant and unavoidable environmental impacts in almost every category, the County must evaluate feasible ways to redesign the Project to avoid or substantially reduce the Project's impacts. The DEIR provides no explanation as to why it could not consider an alternative that provides substantially fewer units than the reduced density alternative (including the elimination of the most impactful PSRs) so that all of the significant and unavoidable impacts are reduced to a less-than-significant level.

03-191
Alternatively, the DEIR could have evaluated a Project that is consistent with the 2011 GPU Guiding Policies (and with the PSR GPA Project objectives since they are one and the same). For instance, the County should consider an Infill Alternative that directs development to areas inside or immediately adjacent to the limits of the County's 18 incorporated cities. It cannot be seriously disputed that such an alternative would not substantially reduce the proposed Project's environmental impacts. For example, an Infill Alternative would: reduce the need for new infrastructure and associated costs because services can be provided more efficiently to clustered development in areas that are already urbanized; reduce vehicle dependency, and in turn reduce VMT, air pollution and greenhouse gas emissions, by locating people in walkable and transit-oriented environments; reduce demand for water; conserve wildlife habitat and biodiversity; conserve agricultural lands; and protect water quality. In any case, the DEIR improperly circumscribes its analysis of potential Project alternatives and makes no serious attempt to describe an alternative that avoids or substantially minimizes the impacts of the Project.

D. The DEIR Must Be Recirculated.

03-192
Under California law, the present EIR cannot properly form the basis of a final EIR. CEQA and the CEQA Guidelines describe the circumstances that require recirculation of a draft EIR. Such circumstances include: (1) the addition of significant new information to the EIR after public notice is given of the availability of the DEIR but before certification, or (2) the draft EIR is so "fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." CEQA Guidelines § 15088.5.

03-193
Here, both circumstances apply. Decision-makers and the public cannot possibly assess the Project's impacts, or even its feasibility, through the present DEIR, which is riddled with errors. Among other fundamental deficiencies, the DEIR repeatedly understates the Project's significant environmental impacts and assumes that unformulated or clearly useless mitigation measures will effectively reduce these impacts. In order to resolve these issues, the County must prepare a revised EIR that would necessarily include substantial new information.

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III. Approval of the Project Would Violate California Planning and Zoning Law.

The State Planning and Zoning Law (Gov. Code § 65000 et seq.) requires that development decisions be consistent with the jurisdiction's general plan. As reiterated by the courts, "[u]nder state law, the propriety of virtually any local decision affecting land

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use and development depends upon consistency with the applicable general plan and its elements.” *Resource Defense Fund v. County of Santa Cruz* (1982) 133 Cal.App.3d 800, 806. Accordingly, “[t]he consistency doctrine [is] the linchpin of California’s land use and development laws; it is the principle which infuses the concept of planned growth with the force of law.” *Families Unafraid to Uphold Rural El Dorado County v. Bd. of Supervisors* (1998) 62 Cal.App.4th 1332, 1336 (citations and internal quotations omitted).

General plans establish long-term goals and policies to guide future land use decisions, thus acting as a “constitution” for future development. *Leshner Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 540. To promote coordinated land use policies and practices, state law requires local governments not just to formulate theoretical land use plans, but also to conform their development and land use projects and approvals with those duly certified plans. *Citizens of Goleta Valley*, 52 Cal.3d at 570; *see also* Gov. Code §§ 65860 (requiring consistency of zoning to general plan); 66473.5 & 66474 (requiring consistency of subdivision maps to general plan); 65359 & 65454 (requiring consistency of specific plan and other development plan and amendments thereto to general plan). It is an abuse of discretion to approve a project that “frustrate[s] the General Plan’s goals and policies.” *Napa Citizens*, 91 Cal.App.4th at 357. The project need not present an “outright conflict” with a general plan provision to be considered inconsistent; the determining question is instead whether the project “is compatible with and will not frustrate the General Plan’s goals and policies.” *Id.* at 379.

03-195

In addition, a General Plan must be internally consistent. Government Code section 65300.5 provides that the “Legislature intends that the general plan and elements and parts thereof comprise an integrated, internally consistent and compatible statement of policies for the adopting agency.” Courts have routinely noted that “[t]he requirement of consistency is the linchpin of California’s land use and development laws; it is the principle which infused the concept of planned growth with the force of law.” *deBottari v. Norco City Council* (1985) 171 Cal.App.3d 1204, 1213. Thus, because the Project itself is a General Plan Amendment, the County must ensure that there are no inconsistencies between the amended General Plan provisions and other remaining provisions.

03-196

For the reasons described above, the PSR GPA has glaring inconsistencies with the General Plan. Because of the internal inconsistencies created through the Project’s General Plan Amendments, approval of this Project would violate State Planning and Zoning Law.

IV. Approval of the Project Would Violate SB 610.

03-197
If the Project is approved, it will be in violation of Senate Bill ("SB") 610 because the County has not obtained a Water Supply Assessment for the Project. The County is required, pursuant to SB 610, to obtain a Water Supply Assessment in connection with its proposed Project. Water Code § 10912. SB 610 requires detailed information about water availability to be provided to city and county decision-makers prior to approval of large development projects. The requirement applies to "project[s] that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project." *Id.* § 10912(a)(7); *see also* Remy et al, (11th ed. 2007) Guide to CEQA, p. 739, fn. 26. Because the proposed Project would demand an amount of water greater than that required by a 500 dwelling unit project, a Water Supply Assessment is required. Such an assessment would enable decision-makers and the public to determine at the outset whether the proposed Project is worth approving in its current form. By not including the assessment, the County has sacrificed a valuable programmatic opportunity to plan for future water supplies.

V. Approval of the Project Would Violate the Sustainable Groundwater Management Act.

03-198
Approval of the Project would also violate the Sustainable Groundwater Management Act because the County has not analyzed existing Groundwater Management Plans, considered adopting a Groundwater Sustainability Plan, or referred the Project to Groundwater Management Agencies. In 2014, in the midst of historic drought conditions in this state, the Legislature passed the Sustainable Groundwater Management Act (Assembly Bill 1739, SB 1168, and SB 1319). The Act was signed into law by Governor Brown on September 16, 2014 and went into effect on January 1, 2015. The County must comply with the Act prior to approving the proposed General Plan Amendment.

03-199
Under the terms of the statute, any jurisdiction considering a substantial amendment to its General Plan must: (1) review existing groundwater management plans for the basin and consider whether the update complies with those plans and consider the impact of the update on those plans; (2) consider adopting a groundwater sustainability plan under the new law or updating the jurisdiction's existing groundwater management plan; and (3) refer the proposed update to other agencies that manage groundwater within the basin. *See* Gov. Code §§ 65350.5, 65352 (effective Jan. 1, 2015). There is no evidence that the County has complied with any of these requirements.

03-200 The DEIR briefly mentions the need to review an upcoming Groundwater Sustainability Plan for the Borrego Water District to determine whether the Project would be in compliance with the Plan. DEIR at 2.16-11. The DEIR makes no mention of Groundwater Sustainability Plans for the other groundwater-dependent water districts that may provide water to the PSR areas. The County must "review and consider" these groundwater plans and the Project's impact on them before adopting the proposed General Plan Update. Gov. Code § 65350.5(a).

03-201 Finally, under the Sustainable Groundwater Management Act, the County must refer the proposed Project to the entities that manage groundwater within the planning area of the Project. There is no evidence that the County has completed the required referrals.

03-202 VI. Conclusion

As set forth above, the PSR GPA DEIR suffers from numerous deficiencies, many of which would independently render it inadequate under CEQA. Taken as a whole, the deficiencies of the DEIR necessitate extensive revision of the document and recirculation for public comment. Moreover, the PSR GPA has glaring inconsistencies with the 2011 GPU. Because of the internal inconsistencies created through the Project's General Plan Amendments, approval of this Project would violate State Planning and Zoning Law. Finally, if approved, the Project would violate SB 610 and the Sustainable Groundwater Management Act.

Kevin Johnston
February 9, 2018
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The Endangered Habitats League respectfully requests that the County reevaluate the Project in light of its inconsistencies with the 2011 GPU and violations of state water laws and make changes to the Project design to address these serious environmental issues.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Laurel L. Impett, AICP, Urban Planner



William White

cc: Dan Silver, Endangered Habitats League

List of Exhibits:

- Exhibit A: Robert Hamilton, Biological Report, January, 31, 2018.
- Exhibit B: San Diego County Board of Supervisors Staff Report, January 9, 2012.
- Exhibit C: PSR Analysis Area Reports.
- Exhibit D: Developers Seek Permission to Build in Severe Wildfire Risk Areas, Voice of San Diego, August 25, 2015.

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- Exhibit E: San Diego County Guidelines for Determining Wildland Fire and Fire Protection.
- Exhibit F: Syphard, A. D., V. C. Radeloff, J. E. Keeley, T. J. Hawbaker, M. K. Clayton, S. I. Stewart, and R. B. Hammer, *Human Influence on California Fire Regimes*. ECOLOGICAL APPLICATION 17:1388–1402 (2007).
- Exhibit G: Keeley, J. E. 2005. *Fire history of the San Francisco East Bay region and implications for landscape patterns*. INTERNATIONAL JOURNAL OF WILDLAND FIRE.
- Exhibit H: Syphard AD, Bar Massada A, Butsic V, Keeley JE (2013) *Land Use Planning and Wildfire: Development Policies Influence Future Probability of Housing Loss*.
- Exhibit I: Letter from J. Chatten-Brown to San Diego County Planning Commission, January 16, 2018; *see also* letter from D. Silver, EHL, to M. Soffel and A. Smith, November 30, 2017; and letter from C. W. Garrett to L. Fitzpatrick, January 16, 2018
- Exhibit J: San Diego County Updated Greenhouse Gas Inventory, Executive Summary, March 2013.
- Exhibit K: *How additional is the Clean Development Mechanism? Analysis of the application of current tools and proposed alternatives*, Institute of Applied Ecology, March, 2016.
- Exhibit L: *Carbon Credits Likely Worthless in Reducing Emissions, Study Says*, Inside Climate News, April 19, 2017.
- Exhibit M: County's 2008 Interim Guidelines for Determining Significance.
- Exhibit N: Warner Ranch DEIR, Energy Chapter, San Diego County, December 2016.

Responses to Letter O3, Endangered Habitats League

- O3-1 This introductory comment does not raise specific issues relative to the Draft Subsequent Environmental Impact Report (SEIR); therefore, no further response is required or necessary.
- O3-2 This comment makes several general statements of opinion regarding the Proposed Project but does not identify any specific issues regarding the adequacy of the Draft SEIR. No further response is required for this comment.
- O3-3 The comment discusses the General Plan Guiding Principles, General Plan consistency and states that the project would undermine the integrity of the county's planning efforts, therefore violating California Planning and Zoning Law.

The project includes many different Analysis Area proposals, with Proposed Project Map options (highest density/intensity options) and Alternative Map options (reduced density/intensity options with reduced environmental impacts), in addition to the option of retaining the existing General Plan land use designations for any Analysis Area. The proposals and map options vary widely, in terms of geographic location, environmental constraints, existing development patterns, and proximity to infrastructure, services, and jobs, among other factors (Draft SEIR, p. 1-13). Lumping all of the proposals together as consistent with, or inconsistent with the General Plan does not take into account the individual characteristics of the Analysis Area proposals.

These Guiding Principles are made up of ten very broad statements, which are implemented through the goals and policies of the General Plan. The goals describe future conditions being strived for (through the General Plan) and tend to be general and broad statements. Policies provide guidance to assist in making decisions that will aid in reaching the goals. As such, the level of consistency with the policies of the General Plan is a threshold that can be used to determine fulfillment of the Guiding Principles for this programmatic approach.

Section 2.9.3.2 of the Draft SEIR addresses the CEQA requirement for General Plan consistency review, by reviewing each of the General Plan policies that apply to a "stand-alone" General Plan Amendment (GPA)/Rezone (like this project; with no associated development applications or proposals included) and that were relied upon in the 2011 General Plan PEIR to reduce environmental impacts. This EIR tiers from the analysis in the 2011 General Plan PEIR. The policies that were relied upon to reduce environmental impacts are outlined in Table S-1 of the General Plan PEIR. Table S-1 of the General Plan PEIR is available online at this link (starting on page 7) -

https://www.sandiegocounty.gov/content/dam/sdc/pds/gpupdate/docs/BOS_Aug2011/EIR/FIR_0.01_-_Summary.pdf

As detailed in Section 2.9.3.2, staff has found numerous General Plan policy inconsistencies with each inconsistency referring to a particular policy in relation to a particular Analysis Area. Additional policies that apply to a stand-alone GPA/Rezone, but were not relied upon in the 2011 General Plan PEIR to reduce impacts, will be reviewed in the General Plan conformance report, which will be an attachment to staff reports for the Planning Commission and Board of Supervisors hearings. The Board of Supervisors will be the decision-makers for the Project, and

they will have to find General Plan consistency with the map option they select for any Analysis Area. The final General Plan conformance findings would be adopted at the final Board of Supervisors hearing for the project and will reflect the Board of Supervisors' findings.

- O3-4 This comment states the proposed project would violate CEQA, as the Draft SEIR fails to properly analyze environmental impacts, identify feasible and effective mitigation, or identify feasible project alternatives.

The County disagrees with this comment. The proposed project would change existing General Plan land use designations that establish allowable land uses and densities for development. The Draft SEIR conducted a programmatic level of analysis based on the maximum potential development according to the densities and intensities that would be allowed by the proposed land use designations, very similar to the analysis that was conducted in the General Plan Update Final PEIR, certified in 2011. The proposed project does not include any project level specific proposals for development. The Draft SEIR specifies General Plan policies and mitigation measures to reduce potentially significant impacts that were identified. Given that this is a programmatic analysis, many if not most, of the potential impacts cannot be fully mitigated. This is similar to the findings made within the 2011 General Plan Update, for which this Proposed Project would supplement through this supplemental EIR.

The Draft SEIR is a program EIR as that term is used in CEQA Guidelines Section 15168 and, therefore, the County is not obligated to provide a project-level analysis of the Proposed Project. That analysis will be required as future subdivision applications and/or Site Plan applications are submitted. The Draft SEIR analyzes the potential environmental effects of the Proposed Project, but it does not specifically analyze individual projects or actions resulting from the Proposed Project because the details of such projects and actions are not available (e.g., specific site design). This is consistent with the requirements of CEQA. Per State CEQA Guidelines Section 15168 (c), "[s]ubsequent activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared." Furthermore, State CEQA Guidelines Section 15168 (c)(4) states "[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."

Further, CEQA Guidelines Sections 15152(b) *Tiering* states, "[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 "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."

Future subdivision applications and/or Site Plan applications would be required for development in accordance with any approved density/intensity increases, within all of the areas covered by the Proposed Project. These are discretionary processes which will require subsequent environmental review that may result in identification of site development specific impacts (associated with proposed development design and development footprint) and appropriate mitigation measures, as necessary. These subsequent mitigation measures would be consistent with, and in addition to, those identified in the Draft SEIR for the proposed project.

As discussed in Chapter 4 of the Draft SEIR, a Reduced Density (or Reduced Intensity) Alternative and a No Project Alternative were analyzed for 19 of the 21 PSR Analysis Areas except for PSR Analysis Areas FB19+ and ME26, which only have a No Project Alternative. Due to development constraints in PSR Analysis Area FB19+, the Proposed Project is only estimated to result in one additional potential dwelling unit in comparison to the General Plan; as such, there is no opportunity for a reduced density alternative. For PSR Analysis Area ME26, there is no land use designation between the existing RL-20 and the proposed SR-10 designations. As such, any alternative map would have to look at changing only a portion of the Analysis Area. This Analysis Area does not lend itself to an alternative that would maintain the current land use designation in the most constrained area. The western portion is closest to the public road (Buckman Springs Road) and closest to the Village, but is more constrained by very steep slopes (limiting access improvements) than the eastern portion. Therefore, this Analysis Area only considers the Proposed Project map and the No Project Alternative map. In addition, a 2012 Board Letter Alternative was analyzed for PSR Analysis Area SD15, and a Preliminary Staff Recommendation Map Alternative (one of the Reduced Density Alternatives discussed in Chapter 4) and Environmentally Superior Map Alternative were analyzed for the former Champagne Gardens Specific Plan parcels. The ultimate Board decision may include a combination of the Proposed Project for some PSR Analysis Areas, and Reduced Density Alternatives or No Project Alternatives for other PSR Analysis Areas. Therefore, the County believes a reasonable range of alternatives has been proposed for the project.

- O3-5 This comment requests that the County respond to each of the comments provided in the letter and to the report provided as Exhibit A to the letter.

Responses to comments have been provided to each of the comments in this letter and the Exhibit A attachment.

- O3-6 The comment provides background information regarding the project and does not raise specific issues relative to the Draft SEIR. The County agrees that the comment accurately references the stated information from the Draft SEIR, with one exception. The comment refers to 21 PSRs. There are actually 41 PSRs that are combined with Study Areas to form 21 PSR Analysis Area groupings. No further response is required or necessary.

- O3-7 This comment provides background information regarding the Proposed Project, and discusses the General Plan Update's Guiding Principles. The County agrees that the comment accurately references the stated information from the 2011 GPU and PSR Draft SEIR. No further response is required or necessary.

O3-8 The comment states that in marked contrast to the County's Guiding Principles, the Project's proposed land use designations show a continuing or escalating trend toward low-density, sprawling land use and a lack of commitment toward the environment. This comment does not discuss perceived deficiencies in the Draft SEIR, but further elaborates on previous discussions of General Plan consistency. As discussed in the response to comment O3-3, lumping all of the proposals together as consistent with, or inconsistent with the General Plan does not take into account the individual characteristics of the Analysis Area proposals. In order to provide decision makers with the appropriate level of information, General Plan consistency is reviewed separately for each Analysis Area, in order to take into account the wide variation of proposals.

O3-9 This comment states while some amount of low density development may be appropriate in certain areas of the County, the proposed project makes an insufficient attempt to encourage compact land use development. The comment also states the County should first direct growth to the 18 cities and other urban areas in the County within the incorporated 18 municipalities and other urban areas prior to increasing growth in the Proposed Project areas.

See the response to comment O3-3, associated with General Plan consistency analysis and the widely varying proposals associated with the different Analysis Areas. The scope of the project is detailed in Chapter 1.0 of the Draft SEIR.

This comment does not raise specific issues relative to the adequacy of the Draft SEIR, and therefore, no further response is provided.

O3-10 This comment discusses PSR Study Area parcels and suggests the Board of Supervisors (Board) never intended for increased land use densities in the Study Areas. The comment also provides inaccurate references to number of PSRs, Study Area parcels, and acreages.

The Board of Supervisors' direction for components to analyze in the GPA/Rezone is detailed in the Board Minute Orders of June 20, 2012 (Minute Order Number 3, linked here - <https://bosagenda.sdcountry.ca.gov/agendadocs/doc?id=0901127e8005f1c3>) and June 27, 2012 (Minute Order Number 10, linked here - <https://bosagenda.sdcountry.ca.gov/agendadocs/doc?id=0901127e8006014c>). The Board direction for analysis in the GPA included the Study Area parcels. There is no difference between PSR parcels and Study Area parcels, in terms of what is proposed in the GPA/Rezone, or in terms of how they are analyzed in the Draft SEIR, or in terms of how staff has evaluated them for General Plan consistency.

Chapter 1.0 of the Draft SEIR provides a complete project description. A component of Chapter 1, Table 1-1 provides the number of parcels and acreages associated with each Analysis Area. Though the table differentiates between PSRs and Study Areas, in terms of numbers of parcels and acreages, nowhere in this table or in the Draft SEIR is it suggested that these two categories of parcels in the GPA/Rezone are analyzed/evaluated differently.

This comment does not raise specific issues relative to the adequacy of the Draft SEIR, and therefore, no further response is required or necessary.

O3-11 This comment states that the significant and unmitigable impacts identified in the Draft SEIR is evidence of a flawed approach to land use planning and that the mitigation measures relied on from the 2011 GPU Final PEIR is flawed. The County does not agree that the significant and unmitigable impacts that were identified is evidence of a flawed approach to planning. Please see Section 1.1 of the Draft SEIR as to how the Proposed Project was developed. The County agrees that many potentially significant and unmitigable impacts were identified in the Draft SEIR; however as stated in the response O3-4, future subdivision applications and/or Site Plan applications would be required for development in accordance with any approved density/intensity increases, within all of the areas covered by the Project. These are discretionary processes that will require subsequent environmental review that will result in identification of site development specific impacts (associated with proposed development design, development footprint, and future project location) and appropriate mitigation measures, as necessary.

The County does not agree that the mitigation measures relied on from the GPU PEIR are flawed. The GPU PEIR was certified by the Board of Supervisors in 2011. The mitigation measures therein were adequate as certified to reduce impacts from future development, and remain adequate for reducing impacts from the Proposed Project.

O3-12 This comment states the Proposed Project would violate regional planning documents applicable to the PSR Analysis Areas.

The Draft SEIR provided lengthy analysis of potential impacts related to conflicts with land use plans, policies and regulations in Sections 2.16, 2.3, 2.4 and 2.9 of the Draft SEIR.

The proposed project's compliance with water supply planning documents such as the Urban Water Management Plans and the Regional Water Facilities Master Plan is described in Sections 2.16.4.4. and 2.16.6.4. The adopted General Plan policies and 2011 Program EIR mitigation measures, in addition to compliance with relevant agencies and applicable regulations such as the California Water Code, California Drinking Water Standards, Senate Bill (SB) 610, SB 221, Urban Water Management Planning Act, Water Conservation Projects Act, and San Diego Groundwater Ordinance, would reduce impacts on water supplies but not to a level below significant.

The proposed project's compliance with the Regional Air Quality Standards (RAQS) is described in Section 2.3.3.1. The RAQS utilize San Diego Association of Governments (SANDAG) population forecasts in the development of measures for attaining air quality standards; and SANDAG growth forecasts are based on the adopted General Plan for the County. The growth associated with the proposed project (1,826 additional potential dwelling units) was not fully accounted for in SANDAG's forecast, and therefore, the project is not accounted for in the RAQS. Therefore, the proposed project would result in a potentially significant impact on the environment.

The proposed project's compliance with the Multiple Species Conservation Program (MSCP) and other related biological resource plans is addressed in Section 2.4.3.6 of the Draft SEIR, which identifies the PSR Analysis Areas that fall within the draft Pre-Approved Mitigation Area (PAMA) and draft Focused Conservation Areas (FCAs) of the North and East County MSCPs. As

discussed in Section 2.4.3.6, the proposed project is not proposing to allow development in areas designated for biological preservation. Future development proposals, including those occurring on PAMA or FCA lands, would require subsequent environmental review, which would ensure that such proposals conform to any applicable Habitat Conservation Plans (HCPs) and Natural Community Conservation Plans (NCCPs). Furthermore, Section 2.9.3.2 of the Draft SEIR provides a consistency analysis with the MSCP for each PSR Analysis Area.

- O3-13 This comment states that the project proposes density increases in Very High Fire Hazard areas without adequate means of evacuation or sufficient emergency response.

The County evaluated emergency response and evacuation plans in Section 2.7.3.7 of the SEIR and found that potential impacts on emergency response and evacuation plans (Impact HZ-1) would be reduced to less than significant with implementation of adopted General Plan policies and mitigation measures identified in the 2011 PEIR. Future specific project development proposals would need to adhere to these policies and provide specific mitigation measures as necessary to address emergency response and evacuation.

Table 2.7-3 identifies the total acres of land within each of the proposed PSR Analysis Areas that contain moderate, high, or very high wild fire hazard area. As discussed in Section 2.7.3.8 of the Draft SEIR, increases in development of these areas prone to wildfires and would have the potential to expose people or structures to a significant risk of loss, injury or death involving wildfires, including where wildlands are adjacent to urbanized areas (Impact HZ-2 and HZ-3)). General Plan policies and 2011 PEIR mitigation measures would be implemented to reduce these potential impacts; however, the SEIR identified potential impacts from wildland fires as significant and unavoidable. The 2011 GPU PEIR identified four potential mitigation measures that would mitigate these impacts to less than significant, but they were determined to be infeasible and remain so for analysis of the Proposed Project.

The comment also states the most effective approach to protect people and structures from wildland fires is to prevent new residential structures from being exposed to fire in the first place. The SEIR also includes evaluation of the No Project Alternative which would not make any changes to existing land use designations of the current General Plan.

No changes were made to the SEIR as a result of this comment.

- O3-14 This comment cites CEQA case law, which describes the purpose of an environmental impact report.

This comment does not address the adequacy of the Draft SEIR, and, therefore, no further response is required or necessary.

- O3-15 This comment suggests the Draft SEIR fails to provide a sufficient degree of analysis to inform the public about the Proposed Project's potential impacts. This comment also claims that the Draft SEIR has numerous and serious inadequacies.

The comment does not provide any specific details regarding the adequacy of the Draft SEIR; therefore, no further response is required or necessary.

O3-16 This comment cites CEQA case law, which describes the importance of a comprehensive project description.

This comment does not raise specific issues relative to the Draft SEIR, and therefore, no further response is required or necessary.

O3-17 This comment suggests the Draft SEIR's project description does not meet established legal standards; however, the comment does not provide any specific details as to how the project description is inadequate.

The County disagrees with the comment, and has determined that the Draft SEIR project description is consistent with CEQA, the State CEQA Guidelines, and applicable law. Furthermore, the project description provided in the Draft SEIR provides the components required from CEQA Section 15124 Project Description.

O3-18 This comment states that the project description is inadequate, deceptive, and does not include details contained in Analysis Area Reports that were not made part of the Draft SEIR.

The County provided a detailed project description included as Section 1.3 of the Draft SEIR. Information pertaining to each of the PSR Analysis Areas was appropriately included in tables that were referenced due to the large amount of information that needed to be presented. The second paragraph of Section 1.2.3 of the Draft SEIR explains that most of the PSR Analysis Areas include a Study Area around the PSR Analysis Areas to prevent an island of potentially incompatible land use and zoning designations adjacent to and in the vicinity of some PSRs. Furthermore, Table 1-1 includes a breakdown of the PSR Area and the proposed study area.

Information contained in the preliminary policy analysis reports was used to help inform the public outreach process and provide factual information associated with the criteria that would be used to evaluate General Plan conformance for the General Plan policies applicable to a stand-alone GPA/Rezone. The criteria for evaluation of the applicable General Plan policies includes discussion of certain issues that could also be applicable to CEQA review. The preliminary policy analysis reports were prepared for each Analysis Area, in batches by Community Plan Area (CPA), in advance of stakeholder meetings and Community Planning/Sponsor Group (CPG/CSG) meetings for the particular CPA. Once a preliminary policy analysis report was ready, it was linked on the project web page. Notices to property owners subject to proposed changes, neighbors within 300 feet of proposed changes, and applicable agencies that should receive notice of General Plan Amendments (per California Government Code) have received three mailed notices about the project since the start of processing (additional notices to come for notification of hearings), with each notice referring to the web page for additional information. In addition, links directly to the preliminary policy analysis reports were emailed to interested parties who provided an email address. Preparation of the Draft SEIR analysis involved the review of the same and/or similar sources of data (the County's geographic information system [GIS] databases, U.S. Geological Survey [USGS] data, etc.) that were used to prepare the preliminary analyses. Therefore, while not specifically referenced in the Draft SEIR, the information presented in the preliminary analyses was taken into consideration and disclosed in the various analyses throughout the Draft SEIR, where it fit with the programmatic format of the Draft SEIR, and the approach of a tiered document

(tiered from the General Plan PEIR). However, per this comment, the Draft SEIR has been edited to reference these preliminary policy analysis reports in the Reference section (Chapter 5) of the Final SEIR.

Table 1-1 of the Draft SEIR clearly listed each PSR Analysis Area and its associated existing and proposed land use designations, number of dwelling units currently allowed and proposed by the project, the difference in dwelling units, and the total acreage. The table also tallies up the combined total of existing and proposed dwelling units, the difference between the two, and the acreages. Providing the information in text form in addition to the table provided is repetitive and is not required. Table 1-8 provides a description of the proposed PSR and Former Champagne Gardens Specific Plan (CGSP) Subareas, which again lists each of the project areas, the proposed changes to land use, and dwelling units. See the response to comment O3-10 for discussion of the Board direction on Study Areas and how they are included in the SEIR analysis.

O3-19 The comment is an introduction to comments that follow. Responses are provided below. No further response is required or necessary.

O3-20 This comment suggests the Draft SEIR defers analysis of ascertainable environmental impacts to later CEQA review.

The General Plan Amendment is a planning document that would direct future population growth and plan for infrastructure needs, development, and resource protection. Therefore, a programmatic EIR was prepared for this project, consistent with State CEQA Guidelines Sections 15168 and 15152, which state that a program EIR may be prepared on a series of actions that can be characterized as one large project and are related geographically or as logical parts in the chain of contemplated actions. Refer to response to comment O3-4.

The comment states that a program-level EIR must contain “extensive, detailed evaluations of a plan’s effects on the existing environment.”

This Draft SEIR analyzed the maximum development potential associated with the land use densities allowed by the land use designations proposed. The PSR GPA cannot predict when and how any future development will occur but can analyze the anticipated maximum potential development on a programmatic scale according to the intensities allowed by the land use designations assigned. The Draft SEIR does provide detailed analysis of the effects of the proposed GPA and provides significance conclusions and mitigation measures to reduce potential impacts from those effects (see Chapter 2 of the Draft SEIR).

This comment also states that extensive, detailed evaluations were absent from the Draft SEIR.

Please see response to comment O3-18 regarding the preliminary policy analysis reports.

O3-21 This comment suggests the Draft SEIR defers analysis of ascertainable environmental impacts to later CEQA review.

Refer to responses to comments O3-4 and O3-15. A programmatic EIR was prepared for this project, consistent with Section 15168 of the State CEQA Guidelines, which states that a

program EIR may be prepared on a series of actions that can be characterized as one large project and are related geographically or as logical parts in the chain of contemplated actions. At the programmatic level, specific development projects that would occur under the General Plan Amendment have not yet been proposed. Therefore, as stated in response to comment O3-4 above, future subdivision applications and/or Site Plan applications would be required for development in accordance with any approved density/intensity increases, within the areas covered by the Project. These are discretionary processes that will require subsequent environmental review that will result in identification of site specific impacts (associated with proposed development design, development footprint, and future project location) and appropriate mitigation measures, as necessary. These subsequent mitigation measures would be consistent with, and in addition to, those identified in the Draft SEIR for the Proposed Project and those identified in the certified PEIR for the General Plan. The County believes an comprehensive CEQA analysis was performed for the programmatic level of review for the Proposed Project.

- O3-22 This comment cites Sections 15126.2, 15091(a)(1), and 15126.2(b) of the State CEQA Guidelines and is augmented with the commenter's interpretation of the cited guidelines, alleging that the Draft SEIR avoids analysis and mitigation by concluding impacts are significant and unavoidable.

The County does not agree with the comment. The Proposed Project is an amendment to the General Plan, which guides the reduction of impacts through policies. Therefore, General Plan policies were used in the Draft SEIR as mitigation measures to lessen potential environmental impacts. The Draft SEIR provided mitigation measures in addition to the proposed policies to further reduce impacts; however, in several circumstances the impacts were identified as significant and unavoidable even with mitigation. See response to comment O3-4 regarding the use of the SEIR and reliance on the General Plan policies and mitigation measures.

- O3-23 This comment correctly lists the resources that were determined in the Draft SEIR to have significant and unavoidable impacts. The comment also states that subsequent comments will detail why the Draft SEIR analysis fails to thoroughly assess impacts.

The County disagrees the Draft SEIR failed to thoroughly assess impacts. Please see responses to comments O3-4, O3-11, and O3-15 above and responses to the subsequent comments below. Please see response to comment O3-29.

- O3-24 This comment cites Section 15126.4(a)(2) of the State CEQA Guidelines, which discusses the requirement that proposed mitigation measures be "fully enforceable."

The PSR Draft SEIR tiers from the General Plan Update PEIR, which provided general plan policies and mitigation measures to reduce potential environmental impacts. The utilization of the program-level mitigation measures, including General Plan policies, are permissible in plan-level documents, as General Plan policies, mitigation/implementation measures, ordinances, design guidelines, and procedures establish requirements for future development that must be met prior to receiving discretionary permit approvals. The GPU PEIR was certified by the Board of Supervisors in 2011. The mitigation measures therein were adequate as

certified to reduce impacts from future development, and remain adequate for reducing impacts from the Proposed Project. Please see response to comment O3-29.

- O3-25 This comment cites General Plan Land Use Policy LU-5.2 and implies the County cannot take action to enforce the policy.

The County disagrees with this comment, as the County can require sustainable planning and design to be incorporated into future development plans, including through compliance with the recently approved Climate Action Plan. The GPU PEIR was certified by the Board of Supervisors in 2011. The mitigation measures therein were adequate as certified to reduce impacts from future development, and remain adequate for reducing impacts from the Proposed Project. Please see response to comment O3-29.

- O3-26 This comment cites General Plan Land Use Policy LU-5.4 and implies the County cannot take action to enforce the policy.

The County disagrees with this comment, as the County would cite this policy as applicable in review of development projects to require that large projects would fully utilize previously disturbed portions of a large site, as opposed to grading in native habitat. In addition, at the long-range planning level, the County is currently undertaking planning efforts that promote infill and accommodate biking and walking in the updating of Community Plans, with a focus on mechanisms to support development within Villages and achieving the residential densities on the General Plan Land Use Map for Villages. The GPU PEIR was certified by the Board of Supervisors in 2011. The mitigation measures therein were adequate as certified to reduce impacts from future development, and remain adequate for reducing impacts from the Proposed Project. Please see response to comment O3-29. O3-27. This comment cites General Plan Land Use Policy LU-6.1 and implies the County cannot take action to enforce the policy.

The County disagrees with this comment, as the County would require development plans to preserve sensitive natural resources pursuant to County ordinances (e.g., biological mitigation ordinance) and the MSCP. This review occurs when discretionary permits are processed for specific development proposals. The GPU PEIR was certified by the Board of Supervisors in 2011. The mitigation measures therein were adequate as certified to reduce impacts from future development, and remain adequate for reducing impacts from the Proposed Project. Please see response to comment O3-29.

- O3-27 This comment cites General Plan Land Use Policy LU-6.1 and implies the County cannot take action to enforce the policy.

The County disagrees with this comment, as the County would require development plans to preserve sensitive natural resources pursuant to County ordinances (e.g., biological mitigation ordinance) and the MSCP. This review occurs when discretionary permits are processed for specific development proposals. The GPU PEIR was certified by the Board of Supervisors in 2011. The mitigation measures therein were adequate as certified to reduce impacts from future development, and remain adequate for reducing impacts from the Proposed Project. Please see response to comment O3-29.

- O3-28 This comment cites General Plan Land Use Policy LU-6.10 and implies the County cannot take action to enforce the policy.

The County disagrees with this comment, as the County would require the protection of property and residents from the risks of hazards through the County Fire Code, the Flood Damage Prevention Ordinance and other local, state, and federal regulations when discretionary permits are processed for specific development proposals. The GPU PEIR was certified by the Board of Supervisors in 2011. The mitigation measures therein were adequate as certified to reduce impacts from future development, and remain adequate for reducing impacts from the Proposed Project. Please see response to comment O3-29.

- O3-29 This comment references CEQA case law pertaining to implementation of policies, programs and mitigation measures and states the General Plan policies used in the Draft SEIR fail to mitigate impacts of future projects.

The County disagrees with this comment. The Proposed Project is an amendment to the County's General Plan. This Draft SEIR relies mainly on General Plan policies and mitigation measures to reduce potential impacts of the Proposed Project. However, no specific development proposals are included as part of the project; therefore, as stated in response to comment O3-4 above achieving the allowed density associated with any approved land use designation changes will require subsequent environmental review that will result in identification of site specific impacts (associated with proposed development design, development footprint, and future project location) and appropriate mitigation measures, as necessary. These subsequent mitigation measures would be consistent with, and in addition to, those identified in the Draft SEIR for the proposed project.

The General Plan Implementation Plan is a key mechanism for implementing the mitigation measures that were carried forward from the General Plan PEIR, which the current Draft SEIR tiers from. The GPU PEIR was certified by the Board of Supervisors in 2011. The mitigation measures therein were adequate as certified to reduce impacts from future development, and remain adequate for reducing impacts from the Proposed Project. The County implements the policies and mitigation measures on each project during discretionary review. Many policies and mitigation measures are applied to future discretionary projects through the County's Guidelines for Determining Significance. For example, the Guidelines for Determining Significance—Biological Resources set forth the requirements and mitigation measures to be applied to each discretionary project as applicable. The County's guidelines and procedures for all areas are located at the following link:

<https://www.sandiegocounty.gov/content/sdc/pds/procguid.html>.

These and other County procedures implement the General Plan policies and mitigation at the project level. All guidelines and procedures would apply to future development under the Proposed Project.

- O3-30 This comment provides general statements that the Draft SEIR's analysis of significant effects is deficient and failed to properly analyze the project's environmental impacts.

The County disagrees with this comment. A discussion of the Proposed Project's impacts was provided in Chapter 2 of the Draft SEIR and includes an existing conditions section and analysis pursuant to either County significance guidelines or CEQA Appendix G Guidelines. Available data specific to the PSR Analysis Areas was utilized in the analysis for the programmatic level of review that was performed. No further response is required or necessary.

O3-31 The comment is an introduction to comments that follow and does not raise specific issues relative to the Draft SEIR. These comments are responded to below. No further response is required or necessary.

O3-32 This comment suggests the Proposed Project's impacts on agriculture are not adequately addressed in the Draft SEIR.

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 and the combined total agricultural land that would have the potential to be converted to non-agricultural resources. The method of calculating disturbance is based on land use and is an effective way of determining how land use will affect resources in each PSR Area. The percentage of impact assumes that higher intensity land uses have a greater impact per unit area compared to less intensive land uses; increased development densities would cause a greater potential for impact. General Commercial (C-1), Rural Commercial (C-4), Medium Impact Industrial (I-2), Village Residential (VR), and Semi-Rural 1 (SR-1) designations are considered to have 100 percent impact (p. 2.2-5). Semi-Rural 2 (SR-2) (see discussion below) and Semi-Rural 4 (SR-4) designations are considered 75 percent impacted, Semi-Rural 10 (SR-10) is considered to have a 50 percent impact, Rural 20 (RL-20) is considered to have a 25 percent impact, and Rural 40 (RL-40) is considered to have a 12.5 percent impact (p. 2.2-6). As stated in the Draft SEIR, based on the potential impacts by land use designation, 4,724 acres of County-identified agricultural land within PSR Analysis Areas have the potential to be impacted (pp. 2.2-6 & p. 2.2-16). This section concludes that impacts (Impacts AG-1, AG-2, AG-4, and AG-5) would remain significant and unavoidable after implementation of General Plan Policies COS-6.2, COS-6.3, Cos-6.4, LU-6.4, LU-7.1, and LU-7.2 and mitigation measures Agr-1.1 through Agr-1.5. Future specific project development proposals would need to develop an agricultural resources report pursuant to the County's Guidelines for Determining Significance for Agricultural Resources if the project might have potential impacts to agricultural resources.

O3-33 This comment refers to the baseline used in Section 2.2.1 of the Draft SEIR.

Section 2.2.1 states, "the existing conditions described for agriculture and forestry resources in the 2011 PEIR are the same as the existing conditions evaluated in this SEIR. No changes to the existing conditions have been identified that would alter the conclusions from the 2011 PEIR" (p. 2.2-1).

The comment also acknowledges that the cumulative analysis provided in the Draft SEIR concluded that agricultural resources are in decline in the region.

References used from the 2011 General Plan Update Program EIR (PEIR) were reviewed, to ensure existing conditions were the same at the time the Draft SEIR was prepared. Section

2.2.1 of the Draft SEIR discloses the existing agricultural resources within each of the Proposed Project areas, which is the Proposed Project. Specifically, Table 2.2-2 provided the existing acreage of Farmland Mapping and Monitoring Program agricultural resources within each PSR Analysis Area and former CGSP Area. Table 2.2-4 provides the existing acreage of County-identified agricultural lands within the PSR Analysis Areas. Table 2.2-5 provides the existing soils found within the PSR Analysis Areas classified as prime farmland soils. Table 2.2-6 highlights County crop statics from the 2015 Agriculture, Weights and Measures annual report. Table 2.2-7 identifies a 10-year comparison of agricultural growth in the County from 2005 to 2015, which showed that overall acreage has decreased but the crop values have increased in value. Further evidence of this is the County's report titled, *Economic Contribution of San Diego County Agriculture*, prepared in 2017, by the County Department of Agriculture, Weights and Measures. Table 2.2-9 provides the acreage of agricultural preserves within each PSR Analysis Area. Table 2.2-10 identifies the Williamson Act Contract lands within the PSR Analysis Areas. Section 2.2.1.3 discusses the agricultural trends in San Diego according to the 2012 Agricultural Census by the U.S. Department of Agriculture.

Within San Diego County, the total number of acres in agricultural production has decreased by 50,006 acres between the years 2011 and 2016, as predicted by the 2011 General Plan PEIR (from 300,786 acres to 250,720 acres, respectively - County Department of AWM *Crop Reports*: https://www.sandiegocounty.gov/awm/crop_statistics.html); however, it is also true that County agricultural lands are concurrently being preserved. The County PACE Program has preserved 1,761 acres since 2013. The County continually seeks opportunities to increase this total, by acquiring land for placement into perpetual agricultural easements. The County has further incorporated the PACE Program into the CEQA review process for discretionary permit applications. Since 2015, one acceptable mitigation measure is placement of on-site agricultural lands into the PACE Program; thereby, increasing the total number of acres as agricultural easements. Several projects have been approved with such mitigation measures. Additionally in 2016, the County placed approximately 400 acres of privately-owned lands with agricultural production, into a Williamson Act Contract (PDS2015-AP-15-002).

Relating to forest lands, the County does not contain lands specifically zoned for forest land, timberland, or timberland production. The project's impact analysis and the cumulative analysis provided in the Draft SEIR were based on the existing conditions presented in the Draft SEIR.

However, Section 2.2.2 of the Final SEIR has been edited to state that the existing regulatory conditions described for agriculture and forestry resources in the 2011 PEIR are the same as the existing conditions evaluated in this SEIR except for the additions of the County's approval of the Agriculture Promotion Program (POD-14-001) and the State's update to CEQA Guidelines to include potential impacts to forestry resources.

- O3-34 This comment summarizes the direct and indirect agricultural impacts discussed in the Draft SEIR and asks for specific acreages of indirect conversion. The comment suggests that the Draft SEIR only quantifies the loss of farmland in the PSR Analysis Areas: VC7+. BO18+, and VC57+.

Section 2.2.3.3 of the Draft SEIR discusses the impacts related to the potential indirect conversion of agricultural resources associated with future development at densities associated with the Proposed Project designations. The text of this section states: “[t]he greatest impacts in the categories listed in Table 2.2-2 include 498 acres of Farmland of Local Importance in VC7+, 113 acres of Farmland of Statewide Importance in BO18+, 262 acres of Prime Farmland in VC57+, and 732 acres of Unique Farmland in VC7+.” Furthermore, Table 2.2-2 of the Draft SEIR provides the total potential direct impact acreages for all PSR Analysis Areas, except CD14, DS24, and SD15, which do not contain FMMP designated Farmlands. A qualitative analysis was provided for the project’s potential indirect impacts to agricultural resources, as the PSR GPA cannot predict under what circumstances future development would occur.

To expand on the response to comment O3-3, possible future discretionary project applicants would be required to follow the *County’s CEQA Guidelines for Determining Significance and Report Format and Content Requirements for Agricultural Resources* (County Guidelines). The County Guidelines require analysis of potential agricultural impacts caused by proposed development. Such proposals would present quantifiable data, as the basis for potential impact analysis (e.g., topography; number of dwelling units, building square footage; location of sensitive resources and access roads; stormwater design). The proposed project does not offer this type of factual information, and nor should it, because the Draft SEIR represents a programmatic analysis. To attempt development project-specific analyses for each PSR would require speculation about how each PSR property owner might develop a property, in the future. If a property owner decides to apply for development, the future discretionary review process would require a project-specific impact analysis to identify potential impacts and mitigation measures, in compliance with the County Guidelines. As a programmatic document, the Draft SEIR does not describe proposed site-specific development plans or project-specific environmental analysis.

- O3-35 This comment cites CEQA case law and does not raise specific concerns with the adequacy of the Draft SEIR; therefore, no further response is required or necessary.
- O3-36 This comment states that the Draft SEIR fails to provide a sufficient degree of analysis to inform the public about the Proposed Project’s potential to result in indirect conversion of agricultural land.

The County disagrees with this comment. Refer to responses to comments O3-4 and particularly O3-34. This PSR GPA includes only those changes related to General Plan designations (and zoning when necessary for consistency) that establish allowable land uses, residential densities, and commercial development intensities for future and currently unknown property development. The PSR GPA by itself, does not facilitate predictions related to the timing and extent of future development plans. The Draft SEIR does analyze the maximum potential development on a programmatic scale, according to the development constraints associated with the areas covered by the project. .

A qualitative analysis was provided for the project’s potential indirect impacts to agricultural resources.

O3-37 This comment cites *Federation of Hillside & Canyon Assns.*, 83 Cal.App.4th at 1261, and Sections 15002(a)(3) and 15168 (b)(4) of the State CEQA Guidelines pertaining to policy alternatives and mitigation measures.

This comment does not raise specific issues relative to the Draft SEIR and, therefore, no further response is required or necessary.

O3-38 This comment states that the Draft SEIR violates Sections 15002(a)(3) and 15168 (b)(4) of the State CEQA Guidelines and suggests amending unspecified 2011 General Plan policies to limit conversions of agricultural lands.

This comment appears to confuse the purpose of this environmental impact analysis with overall general plan policy revisions. The purpose of this Draft SEIR is to programmatically study and identify the potential impacts of the proposed project that includes broadly the following: 1) Amendments to current General Plan land use designations and the resultant residential densities and commercial intensities; 2) Proposed rezoning to match the proposed land use designations; 3) Amendment to the Valley Center Community Plan Residential Policy 8; and 4) Amendment to the General Plan Mobility Element. Further, the properties involved with the PSR GPA are disparate and distributed unevenly throughout the unincorporated County. Their environmental conditions are not necessarily similar and there is no specific land development applications that correspond with the PSR GPA.

Aside from the Valley Center Community Plan amendment, the Proposed Project does not include amending the 2011 General Plan Policies. Based on the purpose of the PSR GPA and the programmatic nature of the associated Draft SEIR, the environmental analysis is adequate and complies with all Sections of the CEQA Guidelines.

CEQA Section 15002(a)(3) identifies that one of the basic purposes of CEQA is to prevent significant environmental damage by requiring changes to projects with the use of project alternatives or mitigation measures. The Draft SEIR provides alternatives and mitigation measures to reduce potential project-related impacts.

Further, CEQA does not preclude the use of mitigation measures from a previous program EIR in a subsequent EIR. In fact Section 15168(b)(4) allows the lead agency to utilize broad policy alternatives and program-wide mitigation measures in subsequent environmental documentation. The GPU PEIR was certified by the Board of Supervisors in 2011. The mitigation measures therein were adequate as certified to reduce impacts from future development, and remain adequate for reducing impacts from the Proposed Project.

O3-39 This comment states that the 2011 GPU's policies to protect agricultural resources are too vague and unenforceable to be used in the Draft SEIR.

As stated in response to comment O3-29 and O3-38, Section 15168(b)(4) of the State CEQA Guidelines allows the lead agency to consider program-wide mitigation measures. To achieve any density/intensity increases, future property-specific discretionary development projects would go through a future and subsequent discretionary review. As stated in response to comment O3-34, such discretionary permit applications would provide the needed

development footprint proposal and factual data associated with the development proposal to facilitate consideration of impacts to agricultural resources.

- O3-40 This comment cites the City of San Luis Obispo’s General Plan policies and suggests the County of San Diego adopt such policies.

Barring the comment’s use of mandatory language, it essentially describes the type of analysis and resultant mitigation measures already used by the County, and found in responses to Comments O3-33 and O3-34. The comment does not raise specific issues relative to the Draft SEIR, and, therefore, no further response is required.

- O3-41 The comment suggests strengthening the existing GPU policies for agricultural resources and evaluating other feasible measures to reduce the severity of the project’s significant impact on agricultural resources. The comment includes policies from the City of San Luis Obispo General Plan.

The County appreciates the commentator’s policy suggestions. As stated in previous responses to comments (e.g., O3-33, O3-34, and O3-38), the Draft SEIR is a programmatic evaluation of the Proposed Project, the PSR GPA. The Draft SEIR shows that reliance on General Plan Policies and the mitigation measures cited in the 2011 GPU PEIR reduce the significance of impacts, but not to a level of less than significant. As examples, Section 2.2.5 of the Draft SEIR incorporated adopted 2011 GPU PEIR mitigation measures Agr-1.1 through Agr-1.5.

The comment suggests the County should identify ways in which the project could avoid developing farmland. Section 2.2.5.1 of the Draft SEIR specifically cites mitigation measure Agr-1.2, “Develop and implement programs and regulations that protect agricultural lands (such as the CEQA guidelines, Zoning Ordinance, Right to Farm Act, Open Space Subvention Act, Farm and Ranch Lands Protection Program, San Diego County Agricultural Enterprises and Consumer Information Ordinance, BOS Policy I-133, and the San Diego County Farming Program), as well as, those that support implementation of the Williamson Act (including the CEQA guidelines, Zoning Ordinance, and Subdivision Ordinance).”

Mitigation measure Agr-1.4 states, “Develop and implement the PACE program which compensates landowners for voluntarily limiting future development on their land.” The PACE Program exists to protect agricultural lands in perpetuity, and promotes limiting the future development potential on agricultural lands (see response to comment O3-33)...

See response to comment O3-4 regarding reliance on the previously certified GPU PEIR. The GPU PEIR was certified by the Board of Supervisors in 2011. The mitigation measures therein were adequate as certified to reduce impacts from future development, and remain adequate for reducing impacts from the Proposed Project.

- O3-42 This comment advocates for the purchase of agricultural conservation easements as mitigation to reduce impacts to agricultural resources.

The County PACE Program’s mitigation component is the comparable policy to the cited agricultural conservation easement (see response to comment O3-33). Several discretionary

permit applicants have elected to use the PACE Program to mitigate significant impacts to agricultural lands. In response to the comment letter's Footnote Six (p. 8), there is no CEQA requirement for a jurisdiction to require agricultural easements to mitigate potentially significant impacts. (*See Friends of the Kings River v. County of Fresno (Dec. 2014) 232 Cal.App.4th 105*).

- O3-43 This comment correctly describes the direct and indirect conversion of agricultural land resulting from implementation of the Proposed Project. In essence, the commenter suggests that without additional agricultural mitigation, the proposed project could be growth inducing and result in the loss of the County's agricultural lands.

Referring to response to comment O3-4, the proposed project proposes changes to current General Plan land use designations. The land use designations establish allowable uses of property and the corresponding potential residential densities and commercial intensities. The Draft SEIR contains a programmatic analysis, which is based on the maximum potential development within each PSR area. This is a comparable methodology to that utilized for the 2011 Certified General Plan Update Final PEIR (Draft SEIR, pp. S-2 and 1-14, etc.). The proposed project does not include project-level, site-specific development proposals. As shown throughout, the Draft SEIR presents impact evaluation and mitigation measures to reduce potentially significant impacts. Given the Draft SEIR's programmatic analysis, many potential impacts cannot be fully mitigated. This is very similar to the analysis found within the 2011 General Plan PEIR (see response to comment O3-3).

Any subsequent project-specific discretionary permit proposals would undergo project-level CEQA analyses, to disclose the potential impacts and mitigation measures. Discretionary project applications (triggering CEQA review) would be required to develop at the proposed densities/intensities covered by the project. The proposed project's potential growth-inducing impacts were addressed in Section 3.1 of the Draft SEIR.

- O3-44 The comment advocates reviewing a requirement that each PSR make a fair-share contribution to the PACE Program.

As stated in response to comment O3-42, requiring applicants to use the PACE Program as mitigation is not mandated. (*See generally Friends of the Kings River v. County of Fresno (Dec. 2014) 232 Cal.App.4th 105*). Section 2.2.5 of the Draft SEIR requires the implementation of adopted General Plan Policies COS-6.4, LU-6.4, LU-7.1, LU-7.2, and the mitigation measures certified within the General Plan 2011 PEIR (and carried forward in the current Draft SEIR): Agr-1.1, Agr-1.2, Agr-1.3, Agr-1.4, and Agr-1.5. The GPU PEIR was certified by the Board of Supervisors in 2011. The mitigation measures therein were adequate as certified to reduce impacts from future development, and remain adequate to reduce impacts from the Proposed Project.

- O3-45 This comment provides a summary of Sections 15130(a) and 15355(a) of the State CEQA Guidelines that pertain to cumulative impacts.

The comment does not raise specific issues relative to the Draft SEIR. Therefore, no further response is required.

- O3-46 This comment suggests that the Draft SEIR provided an “inadequate” analysis of the project’s cumulative impacts to agricultural resources.

The Draft SEIR discusses the cumulative impact analysis approach, and provides a list of cumulative projects in Section 1.11. The Draft SEIR discloses in Section 2.2.4, that, “The geographic scope for the agricultural resources cumulative impact analysis is the San Diego region, including both incorporated and unincorporated areas, and surrounding counties, unless otherwise stated below.” Section 2.2.4.1 discusses the decline of agricultural resources within these jurisdictions, and includes Tribal Lands. Section 2.2.4 provides analysis of the potential cumulative impacts associated with implementation of the Proposed Project. It clearly shows that the Proposed Project would contribute to cumulative impacts. The Draft SEIR further, in bold type, states that the cumulative impacts are significant, but cannot be mitigated to a level of less than significant. Therefore, cumulative impacts are significant and unavoidable.

Per Section 15130(b), “The discussion of cumulative impacts must reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great of detail as is provided for the effects attributable to the project alone.” The sentence immediately following this statement is, “The discussion should be guided by the standards of practicality and reasonableness...” Both the Draft SEIR and 2011 GPU PEIR acknowledge that the total acreage of agricultural lands in the County are steadily declining. This fact is also accepted by the commenter (see comments O3-33 and O3-34, as examples). Since 2011, the annual San Diego County *Crop Reports (AWM)* have identified overall annual losses of County agricultural lands*. As an accepted fact, detailed and exhaustive analysis regarding the overall decrease is unnecessary, and is neither “practical” nor “reasonable.” Further, Section 15030 allows for a cumulative impact analysis to rely on previously adopted plans (i.e., the County General Plan). In compliance with CEQA Guidelines Section 15130(b), the Draft SEIR included a list of cumulative projects and relied upon the 2011 GPU (SEIR Section 1.11, p.1-16, etc.). Therefore, the Draft SEIR is adequate and complies with CEQA.

- O3-47 Similar to the previous comments, the comment suggests that the Draft SEIR does not propose mitigation capable of addressing the unavoidable cumulative impacts to agriculture.

Section 2.2.5 provides several General Plan policies (COS-2.1, COS-2.2, COS-3.1, COS-6.2, COS-6.3, COS-6.4, LU-5.3, LU-6.1, LU-6.4, LU-6.6, LU-7.1, LU-7.2, LU-10.2) and mitigation measures carried forward in the current Draft SEIR (Agr-1.1, Agr-1.2, Agr-1.3, Agr-1.4, Agr-1.5, Agr-2.1, Bio-1.1, Bio-1.3, Bio-1.5, Bio-1.6, Bio-1.7) to reduce cumulative impacts. As stated in the previous responses to comments, the County concluded that even with implementation of the General Plan policies and mitigation measures, the Proposed Project, in combination with other cumulative projects, would have a cumulatively considerable contribution to the regional loss of agricultural land. Even with mitigation measures such as the County’s PACE Program, which is essentially the type of mitigation suggested by the commenter, impacts could not be reduced to a level that is below significant.

*2013 Crop Report did show an increase of approximately 1,600 acres from 2012.

- O3-48 This comment summarizes the biological resources in San Diego County as described in the 2011 GPU EIR, and cites the Draft SEIR's acknowledgment of the importance of the MSCP, PAMAs, and FCAs.
- This comment does not raise specific issues relative to the Draft SEIR, and, therefore, no further response is required.
- O3-49 This comment states that the Draft SEIR does not provide a thorough analysis of the Proposed Project's potential impacts on biological resources.
- The Draft SEIR evaluated impacts on biological resources in Section 2.4.3. However, at the programmatic level, without project-specific development proposals and site plans, the exact extent of impacts on biological resources cannot be determined. Refer to response to comment O3-4.
- O3-50 This comment cites Section 15125(a) of the State CEQA Guidelines, which discusses the requirements for identifying the applicable environmental setting in a document.
- This comment does not raise specific issues relative to the Draft SEIR. Therefore, no further response is required.
- O3-51 This comment states that the Draft SEIR does not include the level of detail presented in the preliminary policy analysis reports, specifically related to ecological features and constraints of each PSR Area, and fails to fully disclose the ecological importance of each PSR Area.
- See response to comment O3-18, regarding the preliminary policy analysis reports.
- 2015 is the established baseline for this Draft SEIR for most topics, as it is the year the Notice of Preparation was released and the year the County's database was accessed to obtain an inventory of environmental data pertaining to the PSR Analysis Areas. The Draft SEIR evaluated the impacts on ecologically important resources within each of the PSR Analysis Areas in Section 2.4.3.1. Furthermore, the project's potential impacts to the MSCP and PAMA were evaluated in Sections 2.4.3.4 and 2.4.3.6 of the Draft SEIR. However, at the programmatic level, without project-specific development proposals and site plans, the exact extent of impacts on biological resources cannot be determined. Refer to response to comments O3-4 and O3-18.
- The comment also states that Figure 2.4-1 is on an 8.5 by 11 inch sheet at a scale at which no reader can translate the information and relate it to the impacts within each PSR Analysis Area.
- The comment refers to a map depicting vegetation communities as Figure 2.4-1; however, the correct figure number is Figure 2-4.2. Thus, this response is to Figure 2-4.2 Estimated Vegetation Impacts. The County disagrees that the information in Figure 2-4.2 is not readable; the figure is on an 11 by 17 inch sheet. The purpose of the figure is to visually depict the location of the PAMA areas in relation to the proposed project areas. While the proposed project would result in an increase in density/intensity of land uses it is not proposing to allow development in areas designated for biological preservation. Conservation within a PAMA is achieved by providing mitigation ratios that favor developing outside the PAMA and

conservation/mitigation inside the PAMA; however, the MSCP would not preclude a land owner from developing on PAMA lands.

- O3-52 This comment cites Section 15125(c) of the State CEQA Guidelines, which discusses the requirements for demonstrating that significant impacts of the Proposed Project were adequately investigated and discussed. This comment suggests that the Draft SEIR fails to entirely analyze how the Proposed Project would impact the extensive special-status plant and wildlife species.

The County disagrees with this comment. Section 2.4.3.1 of the Draft SEIR analyzes potential direct and indirect impacts to special status plant and wildlife species. The Draft SEIR discloses the potential for the Proposed Project to adversely affect these resources; however, at the programmatic level of analysis, the exact extent of potential impacts on these biological resources cannot be identified. Therefore, as stated in response to comment O3-4 above, future subdivision applications and/or Site Plan applications would be required for development in accordance with any approved density/intensity increases, within the areas covered by the project. As stated in Section 2.4.3.1, the presence (or the potential to occur) of sensitive species would require confirmation through site-specific biological resource surveys and project level mitigation when future discretionary projects are proposed. The County Guidelines for Determining Significance—Biological Resources set forth the requirements and mitigation measures to be applied to each discretionary project as applicable. The County's guidelines and procedures for all areas are located at the following link:

<https://www.sandiegocounty.gov/content/sdc/pds/procguid.html>.

These and other County procedures implement the General Plan policies and mitigation at the project level. All guidelines and procedures would apply to future development under the Proposed Project.

- O3-53 This comment suggests the Draft SEIR relies on the same “deficient” approach used in the 2011 General Plan PEIR to analyze impacts on special-status plant and wildlife species. Section 2.4.3.1 of the Draft SEIR identifies impacts based on the Proposed Project's planned land use designations.

The comment also suggests that the Draft SEIR states that the impacts on vegetation communities is under-represented due to limitations on the accuracy of the acreages of suitable habitat.

The County disagrees that the approach is deficient. The 2011 General Plan PEIR and the Draft SEIR use impact percentage criteria to estimate the impacts of the Proposed Project on special-status plant and wildlife species (i.e., the analysis assumes that higher density development would result in a greater percentage of disturbance within any given project site). At the programmatic level, the approach used in the Draft SEIR is appropriate given that higher density development would, in most circumstances, result in a greater area of disturbance than lower density development. The comment is correct that the Draft SEIR conservatively assumes that in some PSR Analysis Areas the acreages of suitable habitat for special-status species may be under-represented. The Draft SEIR also assumes that in some of PSR Analysis Areas the acreages of vegetation communities may be over-estimated, due to the potential for additional disturbance to have occurred since the vegetation communities have

been mapped (page 2.4-6). The approach is appropriate for a programmatic-level EIR analysis, as there is no development footprint to evaluate.

- O3-54 This comment states that based on its approach to impact analysis, the Draft SEIR's failure to provide a sufficient degree of analysis to inform the public about the Proposed Project's potential impacts on biological resources violates CEQA. This comment asserts that the County makes broad-brush, worst-case assumptions about impacts and then claims that no feasible avoidance or mitigation measures are available and does not identify the specific situations in which follow-up studies would be required.

Refer to response to comment O3-4. The Draft SEIR analyzed the project at a programmatic level similar in approach to the 2011 General Plan PEIR. In the absence of project-specific development proposals where specific footprints of ground-disturbing activities would be known, the level of detail provided in the Draft SEIR provides sufficient information to identify that the proposed action could result in impacts on biological resources, from future development projects. In addition, while the Draft SEIR dismisses the use of the MSCP for the North County and East County areas as an infeasible mitigation measure, it goes on to identify 11 other mitigation measures to address potential impacts on biological resources. Furthermore, with or without mitigation measures, all subsequent discretionary actions resulting from adoption of the Proposed Project would be required to undergo project-level CEQA analyses during which project-specific impacts would be analyzed and mitigated, as necessary. Subsequent discretionary project applications would be required in order to achieve any of the densities/intensities proposed, in any of the areas covered by the project.

- O3-55 This comment references the inclusion of the County's *Guidelines for Determining Significance*, which provides a list of information that should be evaluated to support a determination of impact significance, included in the Draft SEIR.

This comment suggests that rather than evaluating each of the considerations, the County made blanket findings of significance to special-status species and other broad categories of resources. The comment further indicates the Draft SEIR fails to disclose whether the project would have an adverse effect on each sensitive plant and wildlife species listed in the County's Guidelines.

The County disagrees with the commenter's opinion that the Draft SEIR conflicts with CEQA. At the programmatic level, the Draft SEIR does disclose to the public and decision-makers the potential impacts associated with future development projects within the areas covered by the project, including identifying mitigation measures (see responses to comments O3-53 and O3-54). This comment generally repeats comments O3-A-40 through 44 in the commenter's Exhibit A attachment. See the responses to these comments. None of the items from the County's Guidelines for Determining Significance – Biological Resources that are listed in comment O3-A-40 could be definitively determined without a development proposal, particularly a proposed development footprint. As there are no proposed development footprints associated with the current project, the County has to provide a programmatic analysis of potential impacts from future development projects. This analysis follows the format of the 2011 General Plan PEIR, which it tiers from.

- O3-56 This comment states the Draft SEIR makes no effort to provide relevant information on the areas in which special status species have been observed or where they have the greatest potential to occur. This comment also asserts that the Draft SEIR fails to identify the types of biological resource surveys required to reliably determine presence or absence of the special-status species potentially present in the PSR Analysis Areas and does not provide mitigation measures that require these surveys.

As acknowledged in the comment, Table 2.4-4 in the Draft SEIR provides the estimated acreage within Analysis Areas potentially supporting special status species, by CPA/Subregion. Subsequent discretionary project applications would be required in order to achieve any of the densities/intensities proposed, in any of the areas covered by the project, which would trigger the requirement for subsequent project-specific CEQA environmental analysis. The future projects would have to meet requirements in the County's Guidelines for Determining Significance – Biological Resources, the Resource Protection Ordinance (RPO), the Biological Mitigation Ordinance (BMO) where applicable, and the Habitat Loss Permit (HLP) where applicable, as referenced in mitigation measures Bio-1.5 and Bio-1.6 of the Draft SEIR. See response to comment O3-52. As stated in the Draft SEIR in Section 2.4.3.1, the presence (or the potential to occur) of sensitive species within the PSR Analysis Areas would require confirmation through site-specific biological resource surveys and project-level mitigation when future discretionary development projects are proposed. A project-specific analysis of potential impacts to individual special status species cannot be provided at the programmatic-level at which the Draft SEIR was prepared.

- O3-57 This comment asserts that the Draft SEIR did not sufficiently analyze the Proposed Project's indirect impacts on sensitive species.

Refer to response to comment O3-4. Furthermore, the Draft SEIR discusses the sources of indirect impacts that affect biological resources as a result of new residential (and some commercial) development. As such, the Draft SEIR adequately characterizes the type and extent of impacts that could occur on biological resources from these indirect impacts. As noted previously, until specific development plans are proposed, details of the significance of impacts cannot be provided at the programmatic-level scale at which the Draft SEIR was prepared. This type of analysis is appropriate for a programmatic EIR.

- O3-58 This comment states the Draft SEIR must be revised. This comment provides recommendations regarding the revisions, including prioritizing development of areas with relatively low potential to support special-status species and mapping. The County disagrees with the recommendations for revisions in this comment. Figure 2.4-2 in the Draft SEIR is a map showing the vegetation communities within the PSR Analysis Areas. In addition, Table 2.4-2 includes estimated acreages of vegetation communities within the PSR Analysis Areas and Table 2.4-4 provides estimated acreage potentially supporting special status species. Figure 2.4-1 identifies draft PAMA and FCA areas, which generally are more likely to have higher potential to support special status species. Until specific development plans are proposed, site-specific mitigation, including areas to be conserved, cannot be identified.

- O3-59 This comment cites Exhibit A's explanation of the importance of the North County and East County MSCPs.

This comment does not raise specific issues relative to the Draft SEIR. Therefore, no further response is required.

- O3-60 This comment states the Draft SEIR fails to evaluate the Proposed Project's impacts on the County's conservation planning areas, including its wildlife corridors.

Figure 2.4-1 shows identified wildlife linkages, PAMA/FCA, and the location of the PSR Analysis Areas. Section 2.4.3.4 analyzes potential impacts to wildlife corridors. The Draft SEIR provides an adequate programmatic-level analysis of potential impacts within PAMA/FCAs and wildlife corridors/linkages. Also, refer to response to comment O3-4.

- O3-61 This comment states that the Draft SEIR's reliance on the future need for subsequent projects to comply with applicable HCP/NCCP/MSCP guidelines does not negate the County's responsibility to evaluate potential adverse effects that implementing the Proposed Project could have upon those planning efforts. The comment asserts the Draft SEIR should include as much detail as was provided in the previously discussed preliminary policy analysis worksheets and then should specify avoidance and mitigation measures that would ensure the ecological integrity of the overall reserve system.

As discussed in Section 2.4.3.6 of the Draft SEIR, the PSR Analysis Areas that fall within the adopted and draft HCPs and NCCPs are disclosed; however, until specific development plans are proposed, the project-specific impacts cannot be provided. Refer to response to comment O3-4.

- O3-62 This comment suggests that the Draft SEIR fails to observe that in authorizing increased development density in areas identified as PAMA/FCA, the County would not only be allowing development in these high-value areas, but also encouraging land owners to increase the level of development in and around the anticipated future preserve system, which could ultimately undermine the ability to establish an ecologically viable MSCP habitat preserve system.

The Draft SEIR takes into consideration the increased density of development that could occur within PAMA/FCA lands with approval of the Proposed Project. Refer to Section 2.4.3.6, page 2.4-18 of the Draft SEIR for information on how the regulatory process works for development proposals within PAMA/FCAs. Conformance with the MSCP would be required for future development projects, regardless of the applicable General Plan land use designation.

- O3-63 This comment states that the Draft SEIR has no evidence to conclude that impacts on the County's conservation planning process (and wildlife movement corridors) would be less than significant.

The County disagrees with this comment. Refer to responses to comments O3-60 and O3-61 and Section 2.4.3.6 of the Draft SEIR.

- O3-64 This comment states that the Draft SEIR's conclusion that the Proposed Project would not conflict with policies and ordinances intended to protect biological resources is not supported in the analysis. This comment also states that the Draft SEIR does not evaluate the Proposed Project's consistency with General Plan policies, specifically noting Policy COS-2.1.

See the response to comments O3-147 and O3-167. Policy COS-2.1 states, “Protect and enhance natural wildlife habitat outside of preserves as development occurs according to the underlying land use designation. Limit the degradation of regionally important natural habitats within the Semi-Rural and Rural Lands regional categories, as well as within Village lands where appropriate.” Per the wording of the policy, this applies to the review of development projects and is not applicable to a stand-alone GPA/Rezone with no associated development applications or proposals. It’s helpful to note that there is the potential for clustering in almost every Analysis Area per the proposed land use designation and zoning minimum lot size; where the proposed zoning minimum lot size would facilitate open space preservation on a development site, while still meeting density potential. Future discretionary projects would be required to analyze consistency with applicable General Plan policies based on the specific site development.

- O3-65 This comment states that the Draft SEIR problematically concludes that the Proposed Project would not result in significant impacts associated with consistency with local policies protecting biological resources through reliance on County ordinances such as the Biological Mitigation Ordinance and the Resource Protection Ordinance.

The County disagrees with this comment. Refer to response to comment O3-4. The Biological Mitigation Ordinance and Resource Protection Ordinance will be applied to future projects with a specific development plan and those projects must be found to comply with the ordinances. Therefore, at the programmatic-level at which the Draft SEIR was prepared, staff expects any future projects that might result from the Proposed Project would fully comply with our local policies and ordinances.

- O3-66 This comment states that the Draft SEIR fails to provide an adequate analysis of the Proposed Project’s cumulative impacts on biological resources. The comment also suggests that the Draft SEIR does not identify feasible mitigation capable of addressing the unavoidable cumulative impacts on biological resources.

Refer to response to comment O3-46 regarding the Draft SEIR’s approach to cumulative analyses. Section 2.4.2 of the Draft SEIR includes an analysis of the Proposed Project’s cumulative impacts on biological resources on a programmatic level. In addition, Section 2.4.5 provides several General Plan policies (COS-1.1, COS-1.2, COS-1.3, COS-1.4, COS-1.5, COS-1.6, COS-1.7, COS-1.8, COS-1.9, COS-1.10, COS-1.11, COS-2.1, COS-2.2, COS-3.1, COS-3.2, LU-6.1, LU-6.2, LU-6.3, LU-6.4, LU-6.6, LU-6.7, LU-10.2) and mitigation measures (Bio-1.1, Bio-1.2, Bio-1.3, Bio-1.4, Bio-1.5, Bio-1.6, Bio-1.7, Bio-2.1, Bio-2.2, Bio-2.3, Bio-2.4) to reduce cumulative impacts. However, the County concluded that even with implementation of the General Plan policies and mitigation measures, the Proposed Project, in combination with other cumulative projects, would have a cumulatively considerable impact to biological resources.

- O3-67 This comment states that the Draft SEIR lacks a legally defensible approach to mitigating the project’s impacts on biological resources. This comment also states that the Draft SEIR identifies the adoption of MSCP Plans as an applicable mitigation measure, which was determined to be infeasible.

The County disagrees with this statement. Under the subheading, *Infeasible Mitigation Measures*” Section 2.4.5.1 specifically states, “[t]he County has determined the following measures to be infeasible; these measures will not be implemented.

- Adopt MSCP Plans for North County and East County that provide coverage for special status species as well as protections for wildlife corridors, habitat linkages, and core habitat areas in those regions. These conservation plans require approval at the federal and State levels, which the County cannot guarantee ahead of time. In addition, the timing of these programs (i.e., MSCP adoption and implementation) may not coincide with the Proposed Project impacts in these areas. Therefore, this measure cannot be considered feasible mitigation for the Proposed Project.”

As discussed in Section 2.4.5 of the Draft SEIR, mitigation of biological resources impacts does not rely solely on the adoption of MSCP North County and East County Plans, but also includes 11 other mitigation measures that were identified in the Adopted 2011 PEIR (Bio-1.1 through Bio-1.7 and Bio-2-1 through Bio-2.4) as well as the incorporation of several adopted General Plan policies. However, to be conservative at this programmatic level of analysis, impacts related to Special Status Species, Riparian Habitat and Other Sensitive Natural Communities, and Wildlife Movement Corridors and Nursery Sites were determined to remain significant and unavoidable the MSCP North County and East County Plans are not yet available to address these potential impacts in a coordinated and comprehensive manner with the State and Federal agencies. Subsequent discretionary project applications would be required in order to achieve any of the densities/intensities proposed, in any of the areas covered by the project. Future development project-specific CEQA review would include additional mitigation measures to reduce project-specific impacts on biological resources.

O3-68 This comment states that the Draft SEIR’s reliance on the future need for subsequent projects to comply with applicable MSCP guidelines does not negate the County’s responsibility to evaluate potential adverse effects that implementing the Proposed Project could have upon those planning efforts.

Refer to response to comment O3-67.

O3-69 This comment asserts that the County has been working on the MSCP for “at least the last decade” and that “there is no reason that it cannot redouble its efforts to work with state and federal agencies” to complete the MSCP. In addition, the comment suggests the Draft SEIR should be revised to include a mitigation measure that sets forth a detailed process needed to complete the MSCP.

This comment provides a general opinion regarding the County’s planning efforts. In addition, mitigation measure Bio-1.2 does include a provision that the County should continue preparation of the MSCP North County and East County Plans. No changes were made as a result of this comment.

O3-70 This comment states that mitigation of biological impacts need not rely on a completed MSCP, and other mitigation could be included to accomplish similar goals. The comment states that a measure should be evaluated that ensures PAMA and FCA lands are sufficiently preserved

during this interim period. Comments O3-71 through O3-76 detail the provisions the commenter believes this mitigation measure should include.

As discussed in Section 2.4.5 of the Draft SEIR, mitigation of biological resources impacts does not rely solely on the adoption of MSCP North County and East County Plans, but also includes 11 other mitigation measures that were identified in the Adopted 2011 PEIR as well as the incorporation of several adopted General Plan policies. Future development occurring under the Proposed Project, if approved, would require further environmental analysis, which would include additional mitigation measures to reduce project-specific impacts on biological resources and would likely include provisions similar to those outlined by the commenter in comments O3-70 through O3-76.

- O3-71 This comment states a measure should be evaluated which includes mapping of plant communities within each of the PSR Analysis Areas.

Figure 2.4-2 in the Draft SEIR provides vegetation mapping within the PSR Analysis Areas. 2011 GPU PEIR Mitigation Measure Bio-1.5, included as mitigation in Section 2.4.5 of the Draft SEIR, states the County's GIS records will be utilized to avoid or mitigate impacts as appropriate. Vegetation mapping is a component of the County's GIS records. Thus, when specific development is proposed in a PSR Analysis Area, vegetation community mapping will be included as part of the analysis. Also, see response to comment O3-4.

- O3-72 This comment states a measure should be evaluated which includes a detailed analysis of special-status plant and wildlife species, riparian habitat and wetlands, and wildlife and nursery sites.

2011 GPU PEIR Mitigation Measure Bio-1.5, included as mitigation in Section 2.4.5 of the Draft SEIR, states the County's GIS records and the Comprehensive Matrix of Sensitive Species to locate special status species will be utilized to avoid or mitigate impacts as appropriate. 2011 GPU PEIR Mitigation Measure Bio-2.3 ensures wetlands and wetland buffer areas will be adequately preserved whenever feasible. 2011 GPU PEIR Mitigation Measure Bio-1.6 requires implementation of the RPO, BMO and HLP Ordinance to protect wetlands, linkages, corridors and populations of rare, endangered plant and animal species. Thus, these mitigation measures incorporate components to analyze and protect these biological resources. Also, see response to comment O3-4.

- O3-73 This comment states a measure should be evaluated which includes identification within each PSR Analysis Area where future development should be avoided or mitigated to less-than-significant levels through restoration, offsite mitigation, etc.

2011 GPU PEIR Mitigation Measure Bio-1.5, included as mitigation in Section 2.4.5 of the Draft SEIR, states information in the County's GIS records and the Comprehensive Matrix of Sensitive Species will be used to avoid or mitigate impacts as appropriate. Bio-1.6 requires implementation of the RPO, BMO and HLP Ordinance to protect wetlands, linkages, corridors and populations of rare, endangered plant and animal species. Thus, these mitigation measures incorporate components to avoid and mitigate impacts. Also, see response to comment O3-4.

- O3-74 This comment states a measure should be evaluated which includes a component that all site-specific avoidance/mitigation measures should be incorporated into the conditions of approval for each zoning change, tentative tract map, etc. for each property and be written in specific and “fully enforceable” language.

When specific development is proposed, the County would require all site-specific avoidance/mitigation measures in the conditions of approval. Also, see response to comment O3-4.

- O3-75 This comment states a measure should be evaluated which includes specifying whether additional site-specific CEQA analysis will be required prior to granting final development approvals for each PSA Analysis Areas.

Future subdivision applications and/or Site Plan applications would be required for development at any of the proposed densities/intensities of the Proposed Project, within all of the areas covered by the project (in addition to grading permits and other potential discretionary applications, depending on the area). These are discretionary processes which would trigger CEQA review and review of the General Plan policies that are applicable to development applications/proposals. Also, see response to comments O3-4.

- O3-76 This comment states a measure should be evaluated which includes identification of the specific site-specific studies that will be required during the additional CEQA analysis.

This Draft SEIR was conducted at the programmatic level. When specific development proposals are submitted, subdivision applications and/or Site Plan applications would be required for development at any of the proposed densities/intensities of the Proposed Project, within all of the areas covered by the project (in addition to grading permits and other potential discretionary applications, depending on the area). These are discretionary processes which would trigger CEQA review. These future development projects would be reviewed in accordance with the County’s Guidelines for Determining Significance and other applicable ordinances/regulations as discussed in Draft SEIR mitigation measures Bio-1.5 and Bio-1.6. Requirements for additional studies and surveys would be applied to future development projects based on the proposed development footprint (and likely edge effects), in accordance with these Guidelines and regulations. Also, see responses to comments O3-4.

- O3-77 This comment provides context for comments O3-78 through O3-88.

This comment does not raise concerns regarding the adequacy of the Draft SEIR, therefore, no further response is required.

- O3-78 This comment indicates the Proposed Project will increase population within the Wildland-Urban Interface (WUI). This comment states the WUI is within PSR Analysis Areas and areas designated as Very High Fire Hazard Zones and references where risks associated with wildfire are discussed in the Draft SEIR. It states that the analysis is deficient.

This comment provides context for comments O3-79 through O3-88. These comments are responded to below. This comment does not raise concerns regarding the adequacy of the Draft SEIR, therefore, no further response is required.

- O3-79 This comment states the Draft SEIR fails to adequately describe the County’s emergency response procedures or provide analysis of emergency response and evacuation plans for each PSR Analysis Area. The comment goes on to detail the commenter’s expectations that the Draft SEIR should describe the County’s emergency response procedures, an analysis of how those procedures have worked or not worked in previous fires in the County, and a specific analysis of emergency response and evacuation plans for each PSR Area. The comment also references the citations provided in comment O3-80.
- The County disagrees with this comment. Section 2.7.1.3 identifies the PSR Areas that fall within Very High Fire Hazard Severity Zones (FHSZ), and Sections 2.7.3.7 and 2.7.3.8 disclose that growth associated with the Proposed Project is not accounted for in the emergency response plans and would increase populations in Very High FHSZs. Furthermore, Section 2.13.1.1 discusses fire protection services available to each PSR Analysis Area and emergency response travel time standards. As discussed in these analyses, subsequent development proposals, which would require discretionary approval, would be required to be analyzed by County staff and the Fire Authority Having Jurisdiction, during which measures to increase fire safety would be incorporated into project design.
- O3-80 This comment cites Section 2.7.3.7 of the Draft SEIR.
- The comment does not raise specific issues relative to the Draft SEIR. Therefore, no further response is required.
- O3-81 This comment cites CEQA case law and suggests that the Draft SEIR includes self-evident statements that do not adequately describe the Proposed Project’s impacts on emergency response. This comment cites four specific references to the Proposed Project in Section 2.7.3.7 of the Draft SEIR.
- The County disagrees with this comment. Section 2.7.3.7 of the Draft SEIR discusses the PSR Analysis Areas that would experience the greatest increase in population resulting from implementation of the Proposed Project. As described in the Draft SEIR, these areas may not have the infrastructure to provide adequate emergency response, and there is the potential for the Proposed Project densities to impact existing emergency response plans (Impact HZ-1), which did not account for potential population increases associated with the Proposed Project. However, the Draft SEIR provided 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 to a less-than-significant level. When specific development plans are proposed, the extent of impacts and project-specific mitigation measures will be identified. This type of analysis is appropriate for a programmatic EIR.
- O3-82 This comment states that the Draft SEIR does not describe the Multi-Jurisdictional Hazard Mitigation Plan, emergency response risks associated with each PSR Analysis Area, specific access constraints for each PSR, emergency road access standards analysis, evacuation times, specific emergency response times for each PSR, personnel availability, and infrastructure requirements.

Section 2.7.3.7 of the SEIR does provide a brief description of the Multi-Jurisdictional Hazard Mitigation Plan.

This Draft SEIR analyzes the maximum development potential on a programmatic scale associated with the land use densities/intensities allowed by the land use designations proposed. The information requested in this comment would be analyzed in the environmental analysis of future development projects, which are unknown at this time and are not part of this GPA. As discussed in response to comment O3-81, the Draft SEIR includes the General Plan policies and mitigation measures that would be implemented to reduce impacts related to fire hazards. Development project-specific impacts would be identified and mitigated when future development proposals are submitted.

- O3-83 This comment states that the Draft SEIR's reliance on the future analysis does not negate the County's responsibility to evaluate potential adverse effects and effective mitigation measures that implementing the Proposed Project could have on emergency response and evacuation plans. The comment asserts again that the Draft SEIR should include an evaluation of how emergency response would be managed and how evacuation plans would be implemented within each PSR Analysis Area.

As described in response to comments O3-4 and O3-82, the PSR GPA is programmatic in nature as it involves proposed changes to General Plan land use designations and zoning, and does not include any specific information that would be associated with actual development projects, which may have the potential to impact emergency response and evacuation plans.

This Draft SEIR analyzes the maximum development potential on a programmatic scale associated with the land use densities/intensities allowed by the land use designations proposed. The information requested in this comment would be analyzed in the environmental analysis of future development projects, which are unknown at this time and are not part of this GPA.

- O3-84 This comment states that the Draft SEIR fails to adequately analyze impacts relating to emergency response and evacuation. This comment concludes that adoption of GPU Policy M-1.2 is contradictory as it requires a decrease in traffic congestion, despite traffic analysis in Section 2.15.3.1 of the Draft SEIR stating the proposed increase in land use density/intensity would result in an additional estimated 35,557 average daily trips.

The County disagrees with this comment. Refer to response to comment O3-4. Section 2.7.3.7 of the Draft SEIR provides the PSR Analysis Areas that would experience the greatest increase in population resulting from implementation of the Proposed Project. As described in the Draft SEIR, these areas may not have the infrastructure to provide adequate emergency response, and there is the potential for the Proposed Project to interfere with existing emergency response plans, which did not account for potential population increases associated with the Proposed Project. The Draft SEIR provided 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. However, the County concluded that even with implementation of the General Plan policies, regulatory processes, and mitigation

measures, impacts would not be reduced to a less-than-significant level as the project would result in a potentially significant impact on emergency response and evacuation plans.

General Plan Policy M-1.2 does not preclude any projects that would result in increased trip generation. The policy addresses planning for public roads and calls for an interconnected road network to serve various functions. It states, “Provide an interconnected public road network with multiple connections that improve efficiency by incorporating shorter routes between trip origin and destination, disperse traffic, reduce traffic congestion in specific areas, and provide both primary and secondary access/egress routes that support emergency services during fire and other emergencies.”

The PSR GPA is programmatic in nature as it involves proposed changes to General Plan land use designations and zoning, assumes the worst case scenario, and does not include any specific information that would be associated with actual development projects with the potential to impact traffic congestion. Until specific development plans are proposed, precise details of the significance of development project impacts cannot be provided at the programmatic-level at which the Draft SEIR was prepared. This type of analysis is appropriate for a programmatic EIR.

- O3-85 This comment refers to General Plan Policy M-3.3, and claims that this policy calls for rural roads to be constructed to ensure public safety. The comment also states that the Proposed Project would cause significant and unavoidable deterioration in roadway safety.

Refer to response to comment O3-4. Furthermore, Section 2.7.5.7 includes General Plan Policy M-3.3, which requires development to provide multiple ingress/egress routes in conformance with State law and local regulations. The SEIR references to roads with horizontal and vertical curves that don’t meet current road standards, and the potential for slow moving agricultural equipment only refers to certain roads near certain Analysis Areas, in more rural areas. See page 2.15-10 in Section 2.15.3.3 and pages 2.15-18 and 19 in Section 2.15.5.3 of the Draft SEIR for a discussion of the requirements for development project that would reduce potential impacts to emergency access, and mitigation measures and General Plan policies that apply to this topic. The PSR GPA is programmatic in nature as it involves proposed changes to General Plan land use designations and zoning,, and does not include any specific information that would be associated with actual development projects, which may have the potential to impact traffic congestion. Until specific development plans are proposed, precise details of the significance of development project impacts cannot be provided at the programmatic-level at which the Draft SEIR was prepared. This type of analysis is appropriate for a programmatic EIR.

- O3-86 This comment suggests that the Draft SEIR provided a superficial analysis of the Proposed Project’s wildland fire impacts. The comment asserts that the Draft SEIR should provide a more comprehensive analysis of wildland fire since development in high fire hazard areas contributes to even greater fire risks and increases the likelihood of fires.

The County disagrees with this comment. Refer to response to comment O3-4. Section 2.7.3.8 of the Draft SEIR identifies the majority of the PSR Analysis Areas as being located within a designated Very High Fire Hazard Safety Zone and refers the reader to figures showing Fire Hazard Severity Zones and the Urban Wildland Interface in relation to Analysis Areas. The

Section provides additional information on requirements for development projects associated with the County's Guidelines for Determining Significance and the County Consolidated Fire Code.

The comment makes a statement about adding homes to areas with low or no density and states that is the case with the Proposed Project. This is a common theme in the comment letter, in that the commenter seems to be under the assumption that all Analysis Areas are in rural areas, which is not correct. The Analysis Areas are found in varying types of communities, including the Village and Semi-Rural Regional Categories. Some of the Semi-Rural areas exhibit a more suburban character with relatively close proximity to jobs, infrastructure, and services.

The PSR GPA is programmatic in nature as it involves proposed changes to General Plan land use designations and zoning,, and does not include any specific information that would be associated with actual development projects, which may have the potential to expose people and structures to wildfires. This Draft SEIR analyzes the maximum development potential on a programmatic scale associated with the land use intensities allowed by the land use designations assigned. The information requested in this comment would be analyzed in the environmental analysis of future development projects, which are unknown at this time and are not part of this GPA.

- O3-87 This comment acknowledges the Draft EIR's determination that although regulations exist to reduce hazards associated with wildland fires, impacts would still exist. This comment again asserts that the Draft SEIR fails to provide a thorough analysis of the Proposed Project's wildland fire impacts.

The County disagrees with this comment. Refer to response to comments O3-4 and O3-86. The PSR GPA is programmatic in nature as it involves proposed changes to General Plan land use designations and zoning and does not include any specific information that would be associated with actual development projects, which may have the potential to expose people and structures to wildfires.

This Draft SEIR analyzes the maximum development potential on a programmatic scale associated with the land use intensities allowed by the land use designations assigned. The information requested in this comment would be analyzed in the environmental analysis of future development projects, which are unknown at this time and are not part of this GPA.

- O3-88 This comment states the Draft SEIR fails to adequately mitigate impacts associated with wildland fire. This comment indicates that implementation of the Proposed Project increases development in high fire hazard areas of the County.

Refer to response to comment O3-4. Mitigation measures and General Plan policies applicable to this topic are discussed in Section 2.7.3.8 of the Draft SEIR. The Draft SEIR provided several General Plan policies (COS-18.3, LU-6.11, LU-10.2, S-3.1, S-3.2, S-3.3, S-3.4, S-3 .6, S-4.1) and mitigation measures (Haz-4.1, Haz-4.2, Haz-4.3, Haz-4.4) to reduce impacts associated with wildland fires. However, the County concluded that even with implementation of the General Plan policies, regulatory processes, and mitigation measures, impacts would not be reduced to a level below significant. The commenter's suggestion that General Plan policies and

mitigation measures applied for this topic were determined to be ineffective is not correct and does not reflect the Draft SEIR text. Page 2.7-33 of the Draft SEIR notes, “The General Plan policies and 2011 PEIR mitigation measures, in addition to compliance with applicable regulations, would reduce Proposed Project impacts related to wildland fires, although not to a level below significant.”

This Draft SEIR analyzes the maximum development potential on a programmatic scale associated with the land use intensities allowed by the proposed land use designations. Development project-specific impacts associated with wildland fires would be analyzed in the environmental analysis of future development projects, which are unknown at this time and are not part of this GPA.

- O3-89 The comment suggests the Draft SEIR provided a superficial analysis of the Proposed Project’s impacts on water supply and does not propose any mitigation for the project’s significant and unavoidable impacts on water supply.

As this comment acknowledges, Section 2.8.3.2 of the Draft SEIR identified a potentially significant impacts on groundwater supplies (HY-2 and HY-11) as a result of the Proposed Project, and Section 2.16.3.4 identified a potentially significant impacts related to adequate water supplies (UT-4 and UT-6). These impacts were determined to be significant and unavoidable. The comment does not specify how the analysis of impacts was inadequate. Contrary to what is stated in the comment, Sections 2.8.5.2 and 2.16.5.4 provide several General Plan policies and mitigation measures to reduce the identified impacts. However, the County concluded that the impacts would not be reduced to a level below significant.

This Draft SEIR performed a programmatic level of analysis of the maximum development potential associated with the land use densities/ intensities allowed by the proposed land use designations. Water supply impacts would be analyzed in greater detail during the environmental analysis of future development applications, and would include review and input by the appropriate water supply agency with regard to service availability..

- O3-90 This comment states that the Proposed Project would be inconsistent with 2011 GPU Policy LU-8.2, which calls for the County to require development to identify adequate groundwater resources in groundwater-dependent areas. The comment also incorrectly paraphrases page 2.16.-15 of the Draft SEIR by stating that the Proposed Project would increase groundwater demand, which would cause the Pauma Municipal Water District and the San Luis Rey Municipal Water District to have inadequate water supply and that the County should prohibit development in the PSR Analysis Areas that are within those districts.

General Plan Policy LU-8.2 has not been determined to be applicable to a stand-alone GPA/Rezone with no associated development applications/proposals, because it refers to a requirement for development projects. Future development projects within the areas covered by the project would be required to comply with this policy.

Page 2.16-15 states that the Proposed Project would potentially result in some groundwater districts having inadequate supply. It is also stated on this page that the potential increase in groundwater demand is 61 acre-feet per year by PSR Analysis Area PP30 (Pauma Municipal

Water District) and five acre-feet per year by portions of FB2+ within the San Luis Rey Municipal Water District. Page 2.16-15 and 2.8-9 of the Draft SEIR also state neither of these two districts provide water service but serve to protect groundwater rights within their boundaries.

Rather than prohibit development within these two water districts, the County would conduct appropriate review of groundwater supply during the review of any subsequent discretionary applications. Furthermore, the Draft SEIR points out inconsistencies between the Groundwater Ordinance minimum lot size requirements and densities proposed by some of the PSR Analysis Areas on page 2.8-9, which is also part of the basis for identifying potentially significant impact HY-2.

- O3-91 This comment cites CEQA case law related to an EIR's requirement to provide sufficient analysis related to water supply and states that the long-term nature of the project does not excuse an adequate water supply analysis.

The County disagrees with the comment that the Draft SEIR does not provide an adequate water supply analysis. Specific examples of how the Draft SEIR is deficient in this respect are not presented in this comment; therefore, no further response is required or necessary.

- O3-92 This comment states that the Draft SEIR identifies the increase in water demand as a result of the Proposed Project, but does not analyze the implications of the increased demand.

The County does not agree with this assertion. As noted above, Section 2.16.3.4 provides a worst-case scenario for increased water use associated with the Proposed Project. The Draft SEIR includes detailed analysis of potential water supply impacts associated with the project and concludes that the impacts (UT-4 and UT-6) would be significant and unavoidable. In addition, the Draft SEIR analyzes the maximum development potential on a programmatic scale associated with the land use densities that would be allowed by the proposed land use designations. The analysis provided lists the amount of increased water demand for the PSR Analysis Areas and the amounts are not large in relation to how much water is currently supplied by the various water districts. Through required planning documents, water supply agencies must plan for additional water demand for an increasing population. The Draft SEIR contains a programmatic approach in the analysis of water supply. Future development projects are required to provide water facility availability forms from the water districts that would provide water service, along with any required conditions related to providing water delivery services. Any potential water supply impacts for future development projects would be analyzed and appropriate mitigation measures proposed.

- O3-93 This comment accurately references Section 2.16.3.4 of the Draft SEIR, which describes how the PSR Analysis Areas obtain potable water. The comment also accurately paraphrases statements on pages 2.16.-13 and 14 of the Draft SEIR concerning how current water supply planning documents do not currently account for the increased development that might occur as a result of the Proposed Project. The comment also states how the Draft SEIR analysis stops there and fails to adequately analyze how water districts will supply water for development allowed by the project.

The County does not agree that more specific analysis is required to evaluate how specific water districts would actually supply water for the development that might be allowed by the Proposed Project. Please see the response to comment O3-92 above.

- O3-94 This comment suggests the Draft SEIR provided a less than adequate analysis of the implications of the Proposed Project's impacts on groundwater-dependent water districts but provides specific references to passages in the Draft SEIR that describe the environmental implications of continued groundwater loss in the Borrego Valley, related to PSR Analysis Areas DS8 and DS24.

The comment accurately summarizes the environmental implications described in the Draft SEIR regarding potential impacts to the Borrego Valley groundwater basin. The analysis provides as detailed a discussion of the situation as possible, given the programmatic level of analysis conducted. As stated previously, significant and unmitigable groundwater supply impacts were identified related to these two PSR Analysis Areas. Section 2.16.3.4 of the Draft SEIR under the subheading, *Groundwater Dependent Water Districts*, provides an evaluation of potential impacts associated with the proposed project.

This Draft SEIR analyzes the maximum development potential on a programmatic scale associated with the land use intensities allowed by the land use designations assigned. Water supply impacts, specifically within groundwater dependent water districts, would be analyzed in the environmental analysis of future development projects, which are generally unknown at this time and are not part of this GPA.

- O3-95 This comment describes several detailed but highly speculative ramifications on groundwater supply in regards to PSR Analysis Areas DS8 and DS24.

The County does not agree that these types of highly speculative ramifications should be attempted to be analyzed by the Proposed Project. In addition, as described on page 2.8-10 of the Draft SEIR, it is currently recognized that groundwater demand needs to be reduced by about 70 percent in the Borrego Valley aquifer to be sustainable. Any future specific project proposals will need to be processed in accordance with the County Groundwater Ordinance and a Groundwater Sustainability Plan when it becomes available by January 2020.

- O3-96 This comment states that the Draft SEIR fails to provide an adequate analysis of the Proposed Project's cumulative impacts on water supplies.

The cumulative analysis for water supply comes to the conclusion that cumulative projects would have the potential to increase the demand for potable water in the region in a manner that exceeds existing entitlements and resources. The County disagrees that this is an inadequate analysis. General Plan policies and mitigation measures were proposed to reduce potential impacts, but the determination was that impacts would remain significant and unmitigable given the nature of the programmatic review that was performed. The General Plan policies and mitigation measures would be required to be implemented for any future project specific proposals, along with project specific measures as necessary to reduce potential water supply impacts.

O3-97 This comment states that the Draft SEIR lacks any mitigation for the project's impacts on water supply. This comment also states the Draft SEIR identifies just one mitigation measure - the implementation of a countywide moratorium on development, which was determined to be infeasible.

The County disagrees with this statement. The Draft SEIR does describe how the countywide moratorium measure was determined to be infeasible, but goes on to include several General Plan policies (COS-4.1, COS-4.2, COS-4.3, COS4.4, COS5.2, COS-5.5, LU-8.1, LU-8.2, LU-13.1, LU-13.2) and mitigation measures (USS-4.1, USS-4.2, USS-4.3, USS-4.4, USS4.5, USS4.6, USS4.7) to reduce impacts associated with adequate water supplies. However, the Draft SEIR did conclude that even with implementation of the General Plan policies, regulatory processes, and mitigation measures, impacts would not be reduced to a level below significant.

O3-98 This comments suggests that the 2011 General Plan Update (GPU) did not identify the PSR GPA areas for growth and that the Board rejected up-zoning these areas because they required a change to the GPU's Guiding Principles. The comment goes on to restate information in the Draft SEIR about population growth.

The County does not concur that the 2011 GPU did not identify the PSR GPA areas for growth. Under the existing General Plan designations, hundreds of additional dwelling units could be allowed within the Analysis Areas, based on the current allowed density.

The comment refers to the January 9, 2012 Board Staff Report in suggesting that the Board rejected up-zoning the areas included in the project, due to necessary changes to the General Plan Guiding Principles. The General Plan Update was adopted on August 3, 2011 and 2012 hearings were not part of the General Plan Update process. The January 9, 2012 Board hearing was part of the early stages of consideration of PSRs to be included in a GPA. As shown when comparing the proposals outlined and mapped in the attachments to this January 9, 2012 staff report to those in the June 20, 2012 staff report; these January 2012 proposals are not the same as those considered by the Board when they provided the direction on areas to include in the current project. At the January 2012 stage, there were no Analysis Area groupings or consideration of Study Area parcels. In most cases, the January 2012 PSRs were proposals for spot designations. Even more importantly, many of the PSR proposals were reduced, in terms of the designation requested/proposed, between January 2012 and June 2012. As discussed in the response to comment O3-3 and in Section 2.9.3.2 of the Draft SEIR, the Guiding Principles of the General Plan are implemented through the goals and more specifically, the policies of the General Plan. As detailed in Section 2.9.3.2, the Analysis Areas are evaluated for General Plan consistency on an individual basis, and staff has found inconsistencies with certain policies of the General Plan, in relation to certain Analysis Area map options. As the final decision maker for the Project, the Board of Supervisors would have to find consistency with the applicable policies for any map option they select for any Analysis Area.

O3-99 This comment suggests the County re-evaluate the measure calling for a County-wide moratorium on development (stated in comment O3-97 of the letter) that was determined to be infeasible (Pages 2.8-27 and 2.16-28 of the Draft SEIR). If that measure is still determined to be infeasible, then other measures should be evaluated such as one calling for substantially less development than the Proposed Project.

The County disagrees with the comment. The measure calling for a moratorium was still determined to be infeasible for the same reasons given in the 2011 GPU PEIR. Staff believes the project alternatives provided in Chapter 4 provide decision-makers with a reasonable range of choices for substantially less development than the proposed project in accordance with the examples provided in the comment.

Responses to Letter O3, Endangered Habitats League – Part 2

- O3-100 This comment states that the Draft SEIR uses existing capacity to evaluate existing conditions and uses buildout capacity to evaluate the buildout with project.

Please see response to comment I12-9 regarding the analysis methodology and approach for the Draft SEIR.

Because the Draft SEIR is evaluating the proposed project at a programmatic level, the timing of the development within the PSRs is not known at this time; therefore, only a Buildout analysis was conducted with the implementation of the proposed project. Because, under Buildout conditions, it is assumed that the Land Use Element would be built out to its maximum density. Therefore the nexus established in the County's TIF program allows land use build out in conjunction with build out of the County's Mobility Element, as these improvements will be funded through the TIF program.

- O3-101 This comment states that by focusing on roadway capacity, current and future traffic volumes (with the project) are not accounted for. The comment goes on to state that analysis has not been performed pursuant to the County's Guidelines for Determining Significance for Traffic.

Please refer to response to comment O3-4 above. The General Plan Amendment is a planning document that would direct future population growth and plan for infrastructure needs, development, and resource protection. Therefore, a programmatic SEIR was prepared for this project, consistent with State CEQA Guidelines Sections 15168 and 15152, which state that a program EIR may be prepared on a series of actions that can be characterized as one large project and are related geographically or as logical parts in the chain of contemplated actions. 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 assigned. Therefore, the Draft SEIR does not analyze building-specific impacts or operation activities because they are still unknown at this time, and analysis of unknown activities would be speculative. This programmatic SEIR relies on General Plan policies, mitigation/implementation measures, ordinances, design guidelines, and procedures to establish requirements for future development that must be met prior to receiving a building permit. Specific development proposals that could occur within the Analysis Areas would be required to undergo development project-level CEQA analyses during which specific impacts and mitigation measures would be identified.

Please note that the PSR Draft SEIR tiers off the County of San Diego's General Plan PEIR (adopted in August 2011). The purpose of the Draft SEIR is to identify new impacts that would occur with the proposed changes to the General Plan. Therefore, the TIA focused on evaluating how buildout conditions would change with the full implementation of proposed land use changes, as the timing of the development within these areas is not yet known.

The Draft TIA did not identify impacts to freeway segments and therefore, it did not need to include further analysis. However, in response to this and other comments additional information has been added to the Draft TIA as Appendix E4 to provide additional explanation as to why there would be no significant impacts to the freeway segments.

- O3-102 This comment continues from the previous by describing a second perceived problem with the Draft SEIR's traffic analysis methodology by comparing the Proposed Project's impact to the 2011 General Plan PEIR, rather than existing conditions. The comment also states that this is not consistent with CEQA case law.

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. Adoption of the SEIR does not indicate approval of all of the PSR Analysis Area proposals. This programmatic SEIR relies on General Plan policies, mitigation/implementation measures, ordinances, design guidelines, and procedures to establish requirements for future development that must be met prior to receiving a building permit. Specific development proposals that could occur under approval of the proposed project would be required to undergo development project-level CEQA analyses during which specific impacts and mitigation measures would be identified. This comment does not raise concerns with the methodology or the analysis, and, therefore, no additional response is required.

- O3-103 This comment states a revised EIR should conduct a traffic analysis that corrects the methodological errors described in the previous three comments.

Please see response to comment O3-100 through O3-102 above.

- O3-104 This comment states the Draft SEIR fails to adopt feasible mitigation and questions why other mitigation measures are not proposed.

This PSR GPA is proposing changes to existing General Plan land use 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 relies on General Plan policies, mitigation/implementation measures, ordinances, design guidelines, and procedures to establish requirements for future development that must be met prior to receiving a building permit.

The Draft SEIR applied 17 adopted General Plan policies and 6 adopted mitigation measures from the General Plan Update PEIR that are feasible and applicable to reduce project impacts on traffic and LOS standards. Section 15168(b)(4) of the State CEQA Guidelines allows the lead agency to consider broad policy alternatives and program-wide mitigation measures to be utilized in subsequent environmental documentation. Furthermore, the County did evaluate widening roads to increase capacity but identified that such improvements would have adverse environmental and community character impacts, and met the criteria for accepting a

road classification with Level of Service E/F, as discussed under Goal M-2 (pages 4-13 and 4-14) of the General Plan's Mobility Element (linked here - <https://www.sandiegocounty.gov/content/dam/sdc/pds/gpupdate/docs/GP/MobilityElement.pdf>). The rationales for LOS E/F acceptance are provided in Appendix H of the Draft SEIR.

- O3-105 This comment suggest that the Draft SEIR evaluate the County adopting a measure that directs growth to the 18 municipalities where jobs and other services are located, and evaluate alternative mitigation such as a measure for the County to contribute its share to the regional transit district or provide transit subsidies.

As discussed in Chapter 1 of the Draft SEIR, the PSR GPA is provided in response to a number of individual property owners who petitioned the Board of Supervisors during the hearings for the General Plan Update to consider changes to the General Plan land use designation for their properties. Therefore, a project alternative that considers directing growth to the 18 incorporated municipalities within the region is outside of the scope of this project. Additionally, the County of San Diego does not have jurisdiction over the other 18 municipalities, and, therefore, such alternative is not feasible.

Furthermore, the suggested mitigation measure is unenforceable as the County cannot require future residents to utilize public transit, if even available near the proposed project. Therefore this measure is considered infeasible, and impacts would remain significant and unavoidable.

- O3-106 This comment quotes the air quality nonattainment status from the Draft SEIR, and suggests the Draft SEIR does not provide a comprehensive analysis of the Project's air quality effects.

The County does not agree with this comment. The DEIR acknowledges the current non-attainment status of ambient air pollution levels in Section 2.3.1 Existing Conditions of the Air Quality Section and Section 3.1.1 in the Air Quality Technical Report (provided as Appendix B to the Draft EIR). The comment suggests that a comprehensive analysis of the project's air quality effects was not provided in the Draft SEIR. The County disagrees with this statement. The Draft SEIR addressed the project's potential construction and operational impacts using an industry standard model (California Emission Estimator Model (CalEEMod version 2016.3.1)); and the maximum dwelling units allowed per Property Specific Request (PSR) Analysis Area. The result of the model are provided in Appendix B and summarized in Section 2.3 of the Draft SEIR. Specific development plans have not been proposed at this time, future development proposals brought forth under the Proposed Project would be subject to further discretionary and CEQA review by the County.

- O3-107 The comment suggests that the Draft SEIR provided a superficial analysis of the project's potential impact to obstruct implementation of the local air quality plan; and that the EIR did not analyze the demographic (i.e., growth) and land use data for the Proposed Project and compare it to the region's air quality plan.

The County does not agree with this comment. As discussed in Section 2.2 of the Draft SEIR, the San Diego County RAQS relies on CARBs mobile source emissions projections, and SANDAG growth projections (which are based on population and vehicle trends and land use plans

developed as part of the County General Plan). The Draft SEIR further explains that projects that propose development that is consistent with the growth anticipated by the General Plan would be consistent with the RAQS; and projects that propose development that is greater than that anticipated in the General Plan and SANDAG's growth projects may have a potentially significant impact on air quality. Therefore, an analysis of the project's demographics and land uses data is appropriate for determining the project's consistency with the RAQS as provided. More information on the project's demographic and land use data analysis is provided in sections 2.12 Population and Housing and 2.9 Land Use of the Draft SEIR.

As stated previously, 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 (development project) 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. Refer to response to comment O3-4.

- O3-108 The comment suggests the DEIR does not propose mitigation capable of addressing the unavoidable impact for the Proposed Project's inconsistency with the RAQS, but goes on to state these General Plan policies were ineffective in mitigating the 2011 GPU's wildfire impacts.

The General Plan policies provided in the Draft SEIR to reduce impacts related to its' inconsistency with the RAQS (i.e., policies COS-14.1, COS-14.2, COS-14.8, COS-14.9, COS-14.10, COS-15.1, COS-15.4, COS-15.5, COS-16.2, COS-16.3, and COS-20.3) are not the same policies used to address impacts to wildfire (i.e., policies LU-6.11, LU-10.2, S-3.1, S-3.2, S-3.3, S-3.4, S-3.6, S-4.1, and COS-18.3). This comment does not explain how the policies and mitigation provided to amend the inconsistency with the RAQS are inadequate.

The comment states the Policy COS-14.1 is not being implemented to prevent projects such as this from being approved. Section 2.9 of the Draft SEIR provides a consistency analysis and determination as to which PSR Analysis Areas are consistent and inconsistent with this policy and identified three PSR Analysis Areas that have been determined to be inconsistent with this policy based on this programmatic level of analysis which assumes development at full buildout potential would occur.

- O3-109 This comment implies the air quality analysis is inadequate due to combining area source and mobile source emission together, and mitigation measure Air-1.2 (which reduce area source emissions) does not mitigate the impact to less than significant levels.

This comment is inaccurate. The Air Quality Technical Report (provided as Appendix B to the Draft SEIR) provides the detailed results for both the unmitigated and mitigated area, energy, and mobile source emissions generated by the project. The total air quality emissions are summarized in the Draft SEIR to address whether the project as a whole would exceed the County's Screening Level Thresholds. Furthermore, in addition to mitigation measure Air-1.2, the Draft SEIR also provided several General Plan Policies (e.g., COS-14.1, COS-14.2, COS-14.8,

COS-14.9, COS-14.10, COS-15.1, COS-15.4, COS-15.5, COS-16.2, COS-16.3, COS-20.3) and mitigation measures (Air-2.6, Air 2.7, and Air-2.9) to further reduce air quality emissions. As shown in Table 2.3-11, Operational Mitigated Emissions for Property Specific Requests, of the Draft SEIR, all emissions would be reduced with implementation of the measures provided. However, the County concluded that even with implementation of the General Plan policies, regulatory processes, and mitigation measures; impacts would not be reduced to a level of below significant as the project would result in increased emission of ozone precursor PM₁₀ and VOC.

- O3-110 This comment states that mitigation measures Air-1.2 would do nothing to reduce vehicular emissions as it calls for a prohibition on wood burning stoves. The commenter cites CEQA requirements for mitigation, and suggests that the SEIR be revised to demonstrate that the project's increase in mobile source emissions will not result in air quality violations.

See response to comment O3-109 above. Operational impacts are generated from area source and mobile sources. The combined emissions from both sources are assessed for the project's total emission impact. While mitigation measure Air-1.2 is provided to reduce impacts generated from wood burning fire places, the Draft SEIR does not state mitigation measure Air-1.2 would reduce mobile source emissions. As shown in Table 2.3-11, Operational Mitigated Emissions for Property Specific Requests, of the Draft SEIR, all emissions would be reduced with implementation of the measures provided. However, the County concluded that even with implementation of the General Plan policies, regulatory processes, and mitigation measures; impacts would not be reduced to a level of below significant as the project would result in increased emission of ozone precursor PM₁₀ and VOC. No further response is required or necessary.

- O3-111 The comment states that the significant cumulative air quality impact must be quantified.

A detailed quantitative cumulative analysis was provided in the Air Quality Technical Report, refer to Appendix B of the Draft SEIR. The cumulative analysis was also summarized in Sections 2.3.3.3 and 2.3.4; and the quantitative results were provided in Tables 2.3-15 and 2.3-16 of the Draft SEIR. No further response is required or necessary.

- O3-112 The comment notes the importance of a greenhouse gas analysis and cites court cases. The comment addresses a general subject area (Global Climate Change, Chapter 2.17), which received extensive analysis in the Draft SEIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required.

- O3-113 The comment summarizes the conclusions in Chapter 2.17 of the SEIR and notes that the impact analysis is fundamentally flawed, as is its approach to mitigation. The commenter claims that the threshold of significance is based on a Climate Action Plan (CAP) that has not yet been approved and lacks evidence in demonstrating efficacy at mitigating climate change impacts. The comment also states that the Draft SEIR relies on statewide thresholds without any evidence that they are relevant to the Proposed Project in the unincorporated County; fails to mitigate GHG impacts by permitting sprawl and relies on off-site and out-of-County

offsets as mitigation; and fails to consider feasible mitigation measures. The County does not agree with the comment for the reasons stated below.

Chapter 2.17 of the Draft SEIR discusses the County's CAP, which was approved by the Board of Supervisors on February 14, 2018, subsequent to writing the Draft SEIR. As indicated in the regulatory discussion on page 2.17-7 of the Draft SEIR, the Draft CAP outlines specific reduction measures that residents and businesses can implement to reduce GHG emissions and aid the County in achieving State-mandated GHG reduction targets (County 2017). Chapter 2.17 also lists relevant strategies listed in the General Plan for reducing impacts from global climate change. However, the commenter's assertion that the Proposed Project relies on the CAP to streamline future PSR development is false. As indicated on page 2.17-9 of the SEIR, General Plan Amendment projects (GPAs) such as the Proposed Project that intensify GHG emissions beyond current designations in the General Plan are required to reduce GHG emissions to ensure that the adopted CAP forecasts are not substantially altered such that attainment of the GHG reduction targets and goal of the CAP could not be achieved. The Proposed Project, however, does not rely on the CAP to streamline future development of the PSR properties. Rather, the Proposed Project would be required to comply with the CAP Consistency Review Checklist by implementing the relevant measures in that Checklist and incorporating the mitigation measures in the CAP SEIR to reduce cumulative GHG emissions. Mitigation contained in the CAP SEIR would require a GPA that intensifies GHG emissions beyond current designations to achieve no net increase in GHG emissions from additional density above the 2011 GPU to demonstrate consistency with the CAP or to reduce all emissions to net zero (i.e., carbon neutrality). The increase in emissions shall be reduced by demonstrating compliance with relevant CAP reduction measures identified in the CAP Consistency Review Checklist, implementing all feasible onsite design features and mitigation measures, and implementing offsite mitigation, which may include purchase of carbon offsets for any remainder of GHG emissions.

The use of carbon offset credits as a mechanism to mitigate project-related GHG emissions is a feasible, established, and commonly recognized approach utilized in the discretionary development review process. The utilization of carbon offset credits to mitigate GHG emissions is expressly authorized by CEQA Guidelines Section 15126.4(c)(3). The CEQA Guidelines recognize that offsite mitigation, which may include purchase of offsets, may be used as mitigation for GHG emissions.

Further, the State legislature when adopting AB 32, delegated the California Air Resources Board (CARB) with the responsibility to implement and develop the programs and requirements necessary to achieve the GHG emissions reduction mandates of AB 32. Among the responsibilities given to CARB, AB 32 authorized CARB to adopt market-based compliance mechanisms, which could include carbon offset credits. In particular, CARB's Scoping Plan must "identify and make recommendations on direct emission reduction measures, alternative compliance mechanisms, market-based compliance mechanisms, and potential monetary and nonmonetary incentives" to achieve the 2020 goal, and achieve "the maximum technologically feasible and cost-effective GHG emission reductions" by 2020 and maintain and continue reductions beyond 2020. On December 14, 2017, CARB adopted *The 2017 Climate Change Scoping Plan Update* (Second Update)(CARB 2017). CARB recommended that

lead agencies prioritize on-site design features that reduce emissions, especially from VMT, and investments in GHG reductions within the project's region that contribute potential air quality, health, and economic co-benefits locally. Examples of investments in GHG reductions in the project's region include financing installation of regional electric vehicle (EV) charging stations, solar panels, solar water heaters, smart meters, energy efficient lighting, energy efficient appliances, energy efficient windows, insulation, and water conservation measures for homes within the geographic area of the project. However, CARB also recognized that where further project design or regional investments are infeasible or not proven to be effective, it may be appropriate and feasible to mitigate project emissions through purchasing and retiring carbon offset credits issued by a recognized and reputable voluntary carbon registry. CARB also recognizes that achieving net zero increases in GHG emissions, resulting in no contribution to GHG impacts, may not be feasible or appropriate for every project, however, and the inability of a project to mitigate its GHG emissions to net zero does not imply the project results in a substantial contribution to the cumulatively significant environmental impact of climate change under CEQA (CARB 2017). Achieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development. This is consistent with the CAP SEIR Mitigation Measure M-GHG-1 to reduce cumulative impacts from future GPAs including the Proposed Project.

California Air Pollution Control Officers Association's (CAPCOA) also recognized that many projects that achieve no net additional GHG emissions may only be deemed less than significant with offsite reductions or the opportunity to purchase GHG emissions reduction credits. As explained by CAPCOA in the *Quantifying Greenhouse Gas Measures Report (2010)*:

"Since CEQA requires mitigation to a less than significant level, it is conceivable that many projects subjected to a zero threshold could only be deemed less than significant with offsite reductions or the opportunity to purchase greenhouse gas emission reduction credits. GHG emission reduction credits are becoming more readily available however, the quality of the credits varies considerably. High-quality credits are generated by actions or projects that have clearly demonstrated emission reductions that are real, permanent, verifiable, enforceable, and not otherwise required by law or regulation. When the pre- or post-project emissions are not well quantified or cannot be independently confirmed, they are considered to be of lesser quality. Similarly, if the reductions are temporary in nature, they are also considered to be poor quality. Adoption of a zero threshold should consider the near-term availability and the quality of potential offsets."

In a related action which demonstrates the legitimacy of carbon offsets by a State agency, the Natural Resources Agency in their *Final Statement of Reasons for Regulatory Action (2009)* which amended the CEQA Guidelines to address GHG emissions pursuant to Senate Bill 97, addresses carbon offsets as follows:

The Natural Resources Agency finds that the offset concept is consistent with the existing CEQA Guidelines' definition of "mitigation," which includes "[r]ectifying the impact by repairing, rehabilitating, or restoring the impacted environment" and

“[c]ompensating for the impact by replacing or providing substitute resources or environments.”

Therefore, the County determined that the use of carbon offset credits is a well-established method for mitigating project-level GHG emissions and as such, provides Mitigation Measure M-GHG-1 of the Proposed Project to reduce GHG emissions to less than significant levels.

The 2011 GPU PEIR determined that buildout under the 2011 GPU would result in potentially significant impacts related to GHG emissions. The 2011 GPU PEIR concluded that these impacts would be reduced to below a level of significance through the implementation of a combination of federal, state and local regulations; existing County regulatory processes; the adopted 2011 GPU goals and policies; and, mitigation measures/implementation programs identified in the 2011 GPU PEIR. The GPU PEIR Mitigation Measure CC-1.2 required the County to prepare a CAP. The County Board of Supervisors adopted the CAP on February 14, 2018. As indicated in Response to Comment O3-4, the Proposed Project requires an SEIR pursuant to CEQA Guidelines Section 15162 because it supplements the General Plan Update program EIR. Therefore, the SEIR for the Proposed Project supplements the GPU PEIR and contains the same programmatic level of analysis to reduce GHG emissions.

The Proposed Project also incorporates the 2010 CAPCOA screening-level threshold of 900 metric tons of carbon dioxide equivalent per year (MTCO₂e), but because the size and intensity of future development projects is unknown at this time, the Proposed Project could result in a potentially significant impact. Each project would need to analyze the impacts from GHG emissions during the discretionary review process. Emissions from future discretionary projects resulting from the Proposed Project, if approved, would increase forecasted emissions in the County and may impede attainment of the Draft CAP GHG reduction targets.

Section 2.17.5 of the Draft SEIR lists the adopted General Plan policies and mitigation measures, which includes the CAP that would reduce GHG emissions. In addition to the 2011 GPU PEIR policies and mitigation measures listed in section 2.17.5, the Proposed Project shall be required to implement the following additional mitigation measures. As specified in Mitigation Measure M-GHG-1 of the CAP's Draft SEIR, GPAs that intensify GHG emissions beyond current designations are required to reduce GHG emissions to ensure that CAP emission forecasts are not substantially altered such that attainment of GHG reduction targets could not be achieved. As a program-level analysis, implementation of mitigation measures cannot be quantified because project-specific details are not available; therefore, this discussion provides a programmatic discussion of the potential general impacts of implementing these measures.

In accordance with CEQA Guidelines Section 15126.4(c) and related guidance, the County has determined that future discretionary projects shall provide for all feasible on-site design features/mitigation measures (including the relevant requirements of new development in the CAP Consistency Review Checklist), in addition to off-site GHG mitigation (such as the purchase of carbon offset credits) under the circumstances discussed below, to reduce impacts from GHG emissions from the Proposed Project to a less-than-significant level. As such, Mitigation Measure M-GHG-1 (described below) requires PSR properties that increase

density or intensity above the 2011 GPU to offset additional (Option 1) or all (Option 2) GHG emissions for a 30-year period.

CARB recommends that “lead agencies prioritize on-site design features and direct investments in GHG reductions in the vicinity of the project” (CARB 2017). 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 2017). 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 & Safety Code section 38562(d)(1)).

The County shall implement the mitigation measure listed in section 2.17.5 to reduce significant cumulative GHG impacts and to ensure that the County can achieve its reduction targets as part of the CAP.

The comment also states that the Draft SEIR relies on statewide thresholds without any evidence that they are relevant to the Proposed Project in the unincorporated County. The Proposed Project also evaluated the use of the CAPCOA screening-level threshold in the event the County’s CAP was not approved by the Board of Supervisors to detail the impacts of future PSR projects. Project size-based screening levels have been published by the California Air Pollution Control Officers Association (CAPCOA) for determining the need for additional analysis and mitigation for GHG-related impacts under CEQA. The annual 900 MTCO₂e screening level referenced in the CAPCOA white paper is used as a conservative screening criterion for determining which projects may require further analysis (CAPCOA 2010). The white paper also provides guidance on the identification of project design features and potential mitigation measures regarding GHG emissions. The CAPCOA white paper reports that the 900 MTCO₂e per year screening level would capture more than 90 percent of development projects, allowing for mitigation towards achieving the State GHG reduction goals. CAPCOA has recommended screening thresholds based on various land use densities and project types. Using CAPCOA guidance, land use projects that meet or fall below the screening thresholds are expected to result in 900 MTCO₂e per year of GHG emissions or less and would not require additional analysis; therefore, the climate change impacts would be considered less than significant. Projects that exceed the 900 MTCO₂e per year screening level must conduct further analysis. In accordance with CEQA Guidelines Section 15064.7(c), a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence. The County has provided substantial evidence for use of this CAPCOA threshold in Chapter 2.17 of the Draft SEIR.

Further, the commenter does not provide substantial evidence proving that this threshold is inappropriate for the Proposed Project. Therefore, no further response is required or necessary.

However, the County does not anticipate relying on the CAPCOA screening level since new County Guidelines for Determining Significance for Climate Change were approved along with the CAP on February 14, 2018. Mitigation measure M-GHG-1 described in Section 2.17.5.1 of the SEIR is consistent with the new approved guidelines that outline procedures for General Plan Amendment projects.

The commenter also states that the Proposed Project fails to mitigate GHG impacts by permitting sprawl. The Proposed Project has provided Mitigation Measure M-GHG-1 in Chapter 2.17 to reduce impacts from the Proposed Project to less than significant levels. Therefore, the Proposed Project does not fail to mitigate GHG impacts as the commenter states.

Lastly, the commenter states that the Proposed Project relies on off-site and out-of-County offsets as mitigation and fails to consider feasible mitigation measures. The efficacy of the Mitigation Measure M-GHG-1, which includes off-site GHG mitigation and purchase of carbon offsets is described above in this comment and throughout the record for this project. As stated above, the use of carbon offsets to mitigate GHG emissions is expressly authorized by CEQA Guidelines section 15126.4(c)(3). It should also be noted that the commenter's law firm, Shute, Mihaly, & Weinberger recommended carbon offsets as feasible mitigation on another County GPA, Lake Jennings Marketplace, which was approved by the Board of Supervisors in 2017 with a mitigation measure to purchase carbon offset credits in compliance with CEQA Guidelines.

- O3-114 The comment quotes the County's CAP guideline for determining significance and states that the Proposed Project may not rely on the draft CAP significance threshold. The CAP was approved by the Board of Supervisors on February 14, 2018. The comment does not address the adequacy of this threshold, except by stating it is draft. Therefore, no further response is required or necessary.
- O3-115 The comment summarizes CEQA Guidelines Section 15064.4(b), which allows a lead agency to use a threshold of significance that complies with a local plan for reduction of GHG emissions. The CAP was approved by the Board of Supervisors on February 14, 2018 following a public review process consistent with CEQA Guidelines Section 15064.4(b)(3). Therefore, the Proposed Project significance threshold complies with CEQA. No further response is required or necessary.
- O3-116 The comment states that the CAP and Guidelines were draft when this comment was written and that the Draft SEIR acknowledges the CAP was not yet adopted. See response to comment O3-115. The comment also states that the Draft SEIR's discussion of the CAP and the Proposed Project's compliance with its requirements is purely hypothetical and cannot contribute to a determination of significance. The County does not agree with this comment. The Draft SEIR chapter 2.17 sets forth substantial evidence to rely on the Mitigation Measure M-GHG-1 that was included in the CAP to mitigate GHG emissions from GPAs (like the Proposed Project) that

would increase density or intensity above what was allowed in the General Plan. The Draft SEIR provides substantial evidence independent of the CAP that this approach and mitigation measure is adequate to reduce GHG emissions to a less than significant level. Please refer to response to comment O3-113. No further response is required or necessary.

- O3-117 The comment says that without an approved, valid CAP, the Proposed Project cannot be found consistent with the General Plan requirement to adopt a CAP. The comment claims that in order to approve a GPA, the County must first adopt a legally adequate CAP and that processing the Proposed Project in advance of an adopted CAP is inconsistent with the General Plan. The CAP was approved by the Board of Supervisors on February 14, 2018 in full compliance with the General Plan. See response to comment O3-116. No further response is required or necessary.
- O3-118 The comment states that the legal validity of the County's CAP has been questioned by various commenters and attaches comment letters as Exhibit I to this comment letter. The comment describes comments made on the County's CAP, which was subject to public review. The final SEIR for the County's CAP responded to these comments as part of that document. This comment does not relate to the adequacy of this Draft SEIR, but merely states that others disagree with implementation of the County's CAP. Therefore, no further response is required or necessary. The commenter requests that the County defer consideration of the Proposed Project until the CAP has been approved, and any litigation involving the CAP has been resolved. The County disagrees with the comment. Please see response to comment O3-116 and O3-117.
- O3-119 The comment states that reliance on the CAP is also improper because the CAP is substantively invalid under *Center for Biological Diversity v. California Dept. of Fish & Wildlife* (2015). The comment seems to suggest the case found the CDFW did not substantiate the Newhall Ranch project's reliance on statewide targets. The commenter claims that the County's draft CAP claims to comply with Newhall Ranch, and is therefore, flawed and not supported by substantial evidence. The commenter is mistaken that the County's CAP relied on the same unsubstantiated analysis as the Newhall Ranch project and the commenter provides no evidence that the CAP followed this same approach. The County's CAP developed a local inventory of GHG emissions and provided local GHG reduction measures to meet the state requirements under AB 32 and SB 32 in compliance with CEQA Guidelines Section 15183.5. The commenter fails to explain how the CAP is related in methodology to the Newhall Ranch project. Therefore, no further response is required or necessary.
- O3-120 The comment summarizes the reduction targets used in the County's CAP and the level of GHG reductions required in the County's CAP. The comment does not address the adequacy of the Draft SEIR; therefore, no further response is required or necessary. The County Board of Supervisors approved a valid CAP on February 14, 2018 in compliance with the CARB Scoping Plan and CEQA Guidelines Section 15183.5.
- O3-121 The comment summarizes the CAP's methodology as consistent with the CARB Scoping Plan. The comment attaches Exhibit J, which is a summary of San Diego County GHG inventory claiming that the County is not on target to meet the AB 32 reduction target of 1990 levels by 2020. The County's CAP on the other hand provided substantial evidence that the County was

on target to meet the AB 32 requirement without any of the measures in the CAP. The commenter, therefore, attaches an Exhibit that has been supplemented in the County's CAP with substantial evidence that the County is on track to meet the AB 32 2020 target. The comment addresses the adequacy of the County's CAP project, not the Draft SEIR for the Proposed Project. Therefore, no further response is required or necessary. The CAP was approved by the Board of Supervisors on February 14, 2018 in full compliance with the CARB Scoping Plan and CEQA.

- O3-122 The comment suggests that because the CAP lacks evidence that its emissions reduction targets are sufficient to meet statewide goals, consistency with the CAP is not an appropriate significance threshold. The County does not agree with this statement. The CAP did provide substantial evidence that emissions reductions targets would be sufficient to meet AB 32 and SB 32 targets. The commenter provides no evidence that the CAP is inadequate. The comment does not address the adequacy of the Draft SEIR; therefore, no further response is required or necessary. The Draft SEIR, contrary to the commenter's opinion, does provide sufficient information for the public and decision makers.
- O3-123 The comment states that the Draft SEIR lacks evidentiary support for its conclusion that its sole mitigation measure—M-GHG-1—would reduce the Proposed Project's climate change impacts to a less-than-significant level. The County does not agree with this comment. Chapter 2.17 provides strategies and mitigation measures from the General Plan. Section 2.17.5 of the Draft SEIR lists the adopted General Plan policies and mitigation measures, which includes the CAP, that would reduce GHG emissions. In addition to the 2011 GPU PEIR policies and mitigation measures listed in section 2.17.5, the Proposed Project requires Mitigation Measure M-GHG-1. Please see response to comment O3-113. No further response is required or necessary.
- O3-124 The comment states that in the absence of an approved and legally adequate CAP there is no way to know whether emissions from the buildout of the 2011 GPU is an adequate standard for ensuring that new development will not impede attainment of the statewide emissions reduction goals. The commenter then questions the analysis in Mitigation Measure M-GHG-1. Please see response to comments O3-113, O3-119, and O3-120. No further response is required or necessary.
- O3-125 The comment says there are numerous flaws with the Proposed Project Mitigation Measure M-GHG-1 and summarizes the requirements of this mitigation measure. The commenter states that the Proposed Project proposes no mitigation at the program level. This is incorrect. Please see response to comment O3-113. Contrary to the commenter's statement, Section 2.17.5 of the Draft SEIR lists the adopted General Plan policies and mitigation measures that would reduce GHG emissions.

The comment suggests that GPAs involving new residential development should be required to reduce VMT and GHG emissions before they occur by locating new homes near employment and public transportation. General Plan mitigation measure CC-1.15, as listed on page 2.17-15, is incorporated into the Proposed Project SEIR and will be applied at this program level to reduce impacts from VMT. General Plan mitigation measure CC-1.15 requires

reduction of VMT and encourages alternative modes of transportation by implementing certain measures as listed on page 2.17-15 of the Draft SEIR.

This mitigation measure was approved to reduce impacts from VMT in 2011 through the certified PEIR for the General Plan Update. The Proposed Project supplements the 2011 GPU PEIR through this subsequent analysis and relies on General Plan Mitigation Measure CC-1.15 as well as all other General Plan policies and mitigation to reduce GHG emissions to less than significant levels. The Draft SEIR, therefore, provides substantial evidence that GHG emissions would be reduced to less than significant levels. No further response is required or necessary.

- O3-126 The comment states that because there is no guidance for future projects to analyze their GHG emissions that future GHG analysis would be complicated and complex and is, therefore, unlikely. The County Board of Supervisors adopted the CAP on February 14, 2018. The Board approved and certified the SEIR for the CAP and also approved the Guidelines for Determining Significance and Report Format and Content Requirements for GHG analysis with the CAP project. These documents provide step by step instruction for future GHG technical analysis. County staff and GHG experts routinely employ the most recent standards and methodology for conducting GHG analyses on every project. The County requires applicants to hire only consultants from the County's CEQA Consultant List for air quality that have sufficient experience with County of San Diego projects and are recognized as the experts in their respective fields. The County's CEQA Consultant List for all resource and environmental areas can be found here:

https://www.sandiegocounty.gov/content/sdc/pds/CEQA_Consultant_Resources.html

Because the comment does not address the adequacy of the Draft SEIR, no further response is required or necessary.

- O3-127 The comment states that because there is no evidentiary basis that the CAP's emissions forecasts and its reduction targets would meet state goals, that the Proposed Project cannot apply the Mitigation Measure M-GHG-1 to ensure that future projects would not interfere or alter the CAP forecasts. The comment states that due to the CAP's inadequacies, decision makers and the public have no way of knowing whether future projects that comply with the CAP would help the County meet statewide reduction goals. The Board of Supervisors approved the CAP on February 14, 2018 and certified the SEIR for the CAP. The CAP provides substantial evidence that the County will meet the targets established under AB 32 and SB 32. The comment does not provide any evidence that this CAP is inadequate and further does not address the adequacy of the Draft SEIR for the Proposed Project. Therefore, no further response is required or necessary.

- O3-128 The comment states that future project applicants may not be capable of quantifying GHG emissions but provides no evidence to support this claim. Please see response to comment O3-126.

The comment summarizes Mitigation Measure M-GHG-1 that requires future projects to implement all feasible on-site design features and mitigation measures and demonstrate compliance with the relevant measures in the CAP Consistency Review Checklist. The comment says that the Draft SEIR never identifies the specific on-site design features that

should be implemented, and it does not make any attempt to quantify the expected emission reductions that would be achieved with these design features. The County does not agree that specific project-level design features and mitigation measures are required to be identified at this program-level of analysis. The Draft SEIR is a program EIR as that term is used in CEQA Guidelines Section 15168 and, therefore, the County is not obligated to provide a project-level analysis of the Proposed Project. This analysis will be required as future subdivision applications and/or Site Plan applications are submitted. The Draft SEIR analyzes the potential environmental effects of the Proposed Project, but it does not specifically analyze individual projects or actions resulting from the Proposed Project because the details of such projects and actions are not available (e.g., specific site design and location). This is consistent with the requirements of CEQA. See response to comment O3-4.

Nonetheless, the County Board of Supervisors approved the Guidelines for Determining Significance for Climate Change, which can be found at the following link: <https://www.sandiegocounty.gov/content/dam/sdc/pds/advance/cap/publicreviewdocuments/FinalPublicReviewDocs/CAPWebAttachments/dfinalguidelinesweb.pdf>. That document ensures the quality, accuracy and completeness of a project's GHG analysis and provides a threshold of significance adopted in accordance with CEQA Guidelines Section 15064.7. The Guidelines document provides lists of feasible mitigation measures and strategies that can be used to reduce GHG emissions, including design features and mitigation measures. 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 Emission from Projects Subject to the California Environmental Quality Act. See page 79, "Mitigation Strategies for GHG." Available: <http://www.capcoa.org/wpcontent/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/wpcontent/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.

The County has similar Guidelines for Determining Significance documents for many environmental subject areas. These and all other feasible on-site design features and mitigation will be applied to future discretionary projects.

The comment states that there would be no way to reduce future project emissions without the use of carbon offsets as off-site mitigation. Offsite mitigation that may include carbon offsets must comply with the Draft SEIR Mitigation Measure M-GHG-1, which details the standards for acceptable carbon offsets, and the County's geographic hierarchy for implementation. The comment does not address the adequacy of the Mitigation Measure M-GHG-1, therefore, no further response is required or necessary.

O3-129 The comment states that if all on-site features do not reduce future project emissions to less than significant levels then applicants may turn to off-site mitigation including purchase of carbon offsets. This approach is consistent with the CEQA Guidelines. The use of carbon offsets to mitigate GHG emissions is expressly authorized by CEQA Guidelines section 15126.4(c)(3). The commenter states that this provision is highly problematic but does not provide any evidence that off-site mitigation is inadequate. Therefore, no further response is required or necessary.

O3-130 The commenter states that Mitigation Measure M-GHG-1 fails to comply with CEQA's rule that proposed offsets must be "not otherwise required." Contrary to the commenter's opinion, Mitigation Measure M-GHG-1 does require that offsets used for mitigation are additional to any other offset otherwise required by law, regulation, or condition. Currently, there are several different GHG offset registries in existence. Each of these registries develops its own protocols for estimating emission reductions or adopts parts of or full protocols from other registries. Industry, or other bodies, can then implement projects that follow these protocols to accrue offsets to be listed and tracked through the relevant registry. These offsets can then be retired (resulting in a net reduction in GHG emissions) or sold on the open market as a commodity. The CARB approved registries required in Mitigation Measure M-GHG-1 have been acknowledged or approved by governing bodies in the State of California and the protocols to implement offset projects to be listed on registries were subject to stakeholder engagement, panels of experts, and often public review and comment.

GHG offset registries have developed a broad consensus around the performance standards that are necessary to ensure that offsets are verified and monitored and are additional to any offset otherwise required (CEQA Guidelines Section 15126(c)(3)) (*Our Children's Earth Foundation v. CARB* (2015) 234 Cal.App.4th 870, 880, 889), namely that offsets be real, permanent, quantifiable, verifiable, enforceable, and additional. In addition, CARB applies these standards in reviewing and approving Compliance Offset Protocols (CARB 2018). This reference to CARB 2018 has been added to Section 5 to provide more information regarding CARB's Offset Protocols.

The Protocols are further defined as follows:

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

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

Quantifiable: the emissions reductions from an activity must be quantified, and offsets may only be issued in an amount that corresponds to emissions that have been quantified. This is accomplished by adhering to standardized quantification methodologies called “protocols”.

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

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

Additional: the GHG emissions reductions generated by an activity must be additional, meaning that they are only eligible to generate offsets if they would not have occurred without the offset activity. This is accomplished by adhering to the applicable protocol.

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

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

In 2011, CARB formally adopted its own protocols. CARB’s protocols were challenged as violating AB 32 because they purportedly failed to accurately ensure additionality as required by the act, but the court sided with CARB, finding that CARB’s protocols based on Climate Action Reserve’s protocols are a “workable method of ensuring additionality with respect to offset credits.” (*Our Children’s Earth Foundation* at p. 889) CARB has since expanded its program to accept carbon offsets issued under American Carbon Registry and Verified Carbon Standard methodologies (See, e.g., Cal. Code Regs., Tit. 17, Section 95990(c)(5)). The Climate Action Reserve, American Carbon Registry, and Verified Carbon Standard are the CARB-approved registries listed in Mitigation Measure M-GHG-1.

The appropriateness of using offsets as CEQA mitigation for GHG emissions is established in CEQA Guidelines Section 15126.4(c)(3), which provides that “off-site measures, including offsets that are not otherwise required,” can be used to mitigate a project’s GHG emissions. In promulgating the CEQA Guidelines for GHG mitigation, the California Natural Resources Agency and the Governor’s Office of Planning and Research (OPR) addressed the legitimacy of offsets as follows:

The Initial Statement of Reasons...cites several sources discussing examples of offsets being used in a CEQA context. Further, the CARB Scoping Plan describes offsets as a way to provide regulated entities a source of low-cost emission reductions, and ... encourage the spread of clean, efficient technology within and outside California. The Natural Resources Agency finds that the offset concept is consistent with the existing CEQA Guidelines’ definition of “mitigation,” which includes “[r]ectifying the impact by repairing, rehabilitating, or restoring the impacted environment” and “[c]ompensating for the impact by replacing or providing substitute resources or environments.”

Moreover, under AB 900, the Jobs and Economic Improvement through Environmental Leadership Act, certain CEQA streamlining benefits were provided to “environmental leadership” projects. One of the key conditions was that such projects offset all emissions to be GHG neutral. (Pub. Resources Code Section 21183(c)) To date, seven AB 900 projects have been certified by the Governor of California and all but one of them use carbon offsets to achieve no net new GHG emissions. The County of San Diego Board of Supervisors approved the Soitec Solar Energy Project (an AB 900 project) in 2015 with conditions to purchase carbon offset credits and the Park Circle, Sweetwater Place, Sweetwater Vistas, and Lake Jennings Marketplace projects in 2017 with conditions of approval to purchase carbon offsets.

The County has discretion to determine where carbon offset projects are to be located, recognizing that GHG impacts are cumulative and global in nature. The Natural Resources Agency in their Final Statement of Reasons for Regulatory Action (2009) which amended the CEQA Guidelines to address GHG emissions pursuant to Senate Bill 97, expressly rejected invitations to establish any sort of mitigation hierarchy for GHG emissions in CEQA Guidelines Section 15126.4(c):

“OPR and the Resources Agency recognize that there may be circumstances in which requiring on-site mitigation may result in various co-benefits for the project and local community, and that monitoring the implementation of such measures may be easier. However, CEQA leaves the determination of the precise method of mitigation to the discretion of lead agencies.”

It is important to note that GHG emissions represent a global, cumulative impact. This was recently acknowledged by the California Supreme Court (see *Center for Biological Diversity et al., v. California Department of Fish and Wildlife, and The Newhall Land and Farming Company*, 62 Cal. 4th 204 (2015)). Page 11 of the Supreme Court ruling states that “First, because of the global scale of climate change, any one project’s contribution is unlikely to be significant by itself...With respect to climate change, an individual project’s emissions will most likely not have any appreciable impact on the global problem by themselves, but they will contribute to the significant cumulative impact caused by greenhouse gas emissions from

other sources around the globe...Second, the global scope of climate change and the fact that carbon dioxide and other greenhouse gases, once released into the atmosphere, are not contained in the local area of their emission means that the impacts to be evaluated are also global rather than local.”

The Draft SEIR supplements the General Plan Update PEIR. The General Plan recognizes that GHG emissions are global in nature (see, e.g., General Plan page 5-31).

While the County recognizes the global scale and context of GHG emissions, Mitigation Measure M-GHG-1 includes a geographic priority for GHG reduction features and GHG reduction projects and programs as follows:

- 1) Project design features/on-site reduction measures,
- 2) Off-site within the unincorporated areas of the County of San Diego,
- 3) Off-site within the County of San Diego,
- 4) Off-site within the State of California,
- 5) Off-site within the United States, and
- 6) Off-site internationally.

Geographic priorities would focus first on local reduction features (including projects and programs that would reduce GHG emissions) to ensure that reduction efforts achieved locally would provide co-benefits. All feasible on-site measures must be incorporated into the project and an analysis must be provided that clearly demonstrates how all feasible on-site measures have been incorporated. Only upon exhaustion of all on-site feasible mitigation options can an applicant consider off-site mitigation options. As specified in Mitigation Measure M-GHG-1, international offsets would be last on the geographic hierarchy and would only be allowed when other options in the order of hierarchy are satisfied. Only after all feasible measures have been incorporated and analyzed can the purchase of carbon offset purchases, be considered. See also response to comment O3-113.

O3-131 The commenter sites conclusions from the EU Directorate General for Climate Action and states that offset projects had a low likelihood of contributing additive GHG reductions. The commenter attaches Exhibit K, which discusses the effectiveness of offsets used under the Clean Development Mechanism, and Exhibit L, which states that carbon credits are worthless in reducing emissions. The comment states that there is no evidence that the offsets required under Mitigation Measure M-GHG-1 will cause meaningful reduction of GHG emissions. The County does not agree with this comment. See response to comment O3-113 and O3-130.

The County will prioritize offsets from CARB-approved registries that are proven to be effective. Because the commenter cites two articles that question the validity of Clean Development Mechanism (CDM) established as part of the Kyoto Protocol and other international offset programs does not prove that offsets in compliance with CARB-approved protocols are ineffective. In fact, registries cannot list offsets for purchase in the market until the offsets are proven effective and are retired. The CARB-approved registries contain offset credits from outside the United States, however, all these projects are held to the same protocols and performance standards as offset credits listed from projects in California or the United States. Many international offset projects adhere to specific protocols to the Country where the project

is implemented (see, e.g., Climate Action Reserve protocols on Mexico Boilers, Mexico Forest, Mexico Landfill, Mexico Livestock, and Mexico Ozone Depleting Substances. Accessed on May 4, 2018 at <http://www.climateactionreserve.org/how/protocols/>). Therefore, they are equally effective as mitigation under CEQA. All offsets, whether in San Diego County, California, the United States, or international would still be required to ensure that the offsets are carbon offsets that achieve real, permanent, quantifiable, verifiable, additional and enforceable reductions (Cal. Health & Safety Code section 38562[d][1]), and would equally contribute to reduction in global climate change effects. Regardless of location, the carbon offset registries ensure that the “reduction is in addition to any greenhouse gas emission reduction otherwise required by law or regulation, and any other greenhouse gas emission reduction that otherwise would occur” (Cal. Health & Saf. Code Section 38562[d][2]). Again, the geographic hierarchy would only allow international offsets as the last resort and all offsets, whether in San Diego County, California, the United States, or internationally would be required to ensure that the offsets are carbon offsets that achieve real, permanent, quantifiable, verifiable, and enforceable reductions (Cal. Health & Safety Code section 38562(d)(1)). See response to comment O3-130.

For more on the adequacy of the Clean Development Mechanism (CDM), see the United Nations page on Climate Change. Available: http://unfccc.int/kyoto_protocol/mechanisms/clean_development_mechanism/items/2718.php. According to the United Nations, a CDM project must provide emission reductions that are additional to what would otherwise have occurred. The projects must qualify through a rigorous and public registration and issuance process.

- O3-132 The comment states that use of out-of-County offsets allows the County to perpetuate sprawl and lists the Proposed Project and two other projects currently in process with the County Planning & Development Services Department. The comment says that Mitigation Measure M-GHG-1 violates the spirit of CEQA. The commenter offers no evidence to support that the mitigation measure violates CEQA. See response to comment O3-113 and O3-130. On General Plan policies to reduce VMT in the unincorporated County see response to comment O3-125. Each discretionary project will be required to analyze VMT and provide project-specific design features and mitigation measures depending on the specifics of the project and project location to reduce GHG impacts from mobile source emissions.
- O3-133 The comment states that the Draft SEIR ignores many other feasible mitigation measures available to lessen climate impacts. Please see response to comment O3-128.
- O3-134 This comment states that the County’s 2008 Interim Guidelines for Determining Significance lists mitigation measures that should be considered to be implemented in the Draft SEIR to reduce project impacts.

The County acknowledges the guidelines and mitigation suggestions provided within them; however, the mitigation measures provided within the guidelines are applicable to development projects. The Proposed Project is an amendment to the County’s General Plan for the PSRs. Future development plans proposed under the Proposed Project would go through subsequent discretionary review and would need to consider these project related mitigation measures. Refer to response to comment O3-128 for a list of potential project-specific mitigation measures.

- O3-135 This comment provides suggested mitigation measures from the County's 2008 Interim Guidelines for Determining Significance related to transportation and motor vehicles.

Refer to response to comment O3-128 and O3-134. The Proposed Project is an amendment to the County's General Plan for the PSRs. Future development plans proposed under the Proposed Project would go through subsequent discretionary review and would need to consider these transportation and motor vehicle project related mitigation measures.

In addition, many of the measures listed in the comment are provided to reduce VMT in the CAP Consistency Review Checklist, which requires a Transportation Demand Management program. Future development applications within the Analysis Areas would be required to implement these TDM measures as applicable to the project. The General Plan also includes measures to reduce VMT. Please refer to response to comment O3-125. For example, General Plan mitigation measure CC-1.15 requires reduction of VMT and encourages alternative modes of transportation by implementing certain measures as listed on page 2.17-15 of the Draft SEIR.

- O3-136 This comment provides suggested mitigation measures from the County's 2008 Interim Guidelines for Determining Significance related to energy efficiency.

Refer to response to comment O3-128 and O3-134. The Proposed Project is an amendment to the County's General Plan for the PSRs. Future development project applications would go through subsequent discretionary review and would need to consider these energy efficiency project related mitigation measures.

- O3-137 This comment provides suggested mitigation measures from the County's 2008 Interim Guidelines for Determining Significance related to renewable energy

Refer to response to comment O3-128 and O3-134. The Proposed Project is an amendment to the County's General Plan for the PSRs. Future development project applications would go through subsequent discretionary review and would need to consider these renewable energy project related mitigation measures. In addition, the CAP Consistency Review Checklist provides energy-efficiency measures that will be required to apply to future discretionary projects.

- O3-138 This comment provides suggested mitigation measures from the County's 2008 Interim Guidelines for Determining Significance related to water conservation and efficiency.

Refer to response to comment O3-128 and O3-134. The Proposed Project is an amendment to the County's General Plan for the PSRs. Future development project applications would go through subsequent discretionary review and would need to consider these water conservation and efficiency project related mitigation measures. In addition, the CAP Consistency Review Checklist requires reductions from outdoor potable water use that will be required to apply to future discretionary projects.

- O3-139 The comment summarizes a list of potential design features and mitigation measures that could be applied to future discretionary projects that are listed in the Guidelines for Determining Significance approved by the Board of Supervisors on February 14, 2018.

Please see response to comment O3-128. The list of measures in the cited sources can be applied to future discretionary projects. No further response is required or necessary.

- O3-140 The comment references CEQA in regards to the evaluation of a project's energy impact. The comment cites Public Resources Code 21100(b)(3) and Appendix F of the CEQA guidelines. The County agrees that Section 21100(b)(3) states an EIR shall include a detailed statement that addresses mitigation measures proposed to minimize significant effects on the environment, including measures to reduce the wasteful, inefficient, and unnecessary consumption of energy. The comment also states that lead agencies must show that a project has 1) decreased per capita energy consumption; 2) decreased reliance on fossil fuel use, and 3) increased reliance on renewable energy sources. These three items are stated in the introduction to Appendix F of CEQA as the means of achieving the goal of conserving energy and implies the wise and efficient use of energy. The County disagrees that the lead agency must demonstrate all three items must be achieved for an individual project.

The Draft SEIR adequately evaluated energy impacts at a program level in Sections 2.16.3.8 and 3.2. Future discretionary projects would be required in their respective CEQA documents to analyze their project's use of energy and whether that project involves the wasteful use of energy. Please see response to comment O3-4 regarding the use of a program EIR and supplemental EIR.

The comment does not provide a specific comment related to the Draft SEIR, but rather provides context for follow up comments (see below). No further response is provided.

- O3-141 This comment suggests the Draft SEIR fails to identify the Proposed Project's increase in energy demand "because the task is too difficult."

This comment refers to an analysis completed in an EIR prepared for the Warner Ranch Project, a project level EIR. The Draft SEIR for the PSR GPA discusses the potential energy impacts in Section 2.16.3.8, 3.2, and in Appendix G: Energy Conservation. The PSR GPA is programmatic in nature and proposes changes to the existing General Plan designations that establish allowable land uses and development densities for specific parcels within the unincorporated County. Until specific development plans are proposed, details of the significance of impacts associated with energy efficiency and possible energy conservation or mitigation measures cannot be provided at the program level scale in which the DEIR was prepared. Refer to response to comment O3-4.

- O3-142 This comment states the DEIR lacks support for the conclusion that the proposed project would result in less than significant impacts associated with energy consumption. Further, this comment states the applicable policies on which the significance determination relies on, specifically Policy COS-14.3 is inconsistent with the goals of the Proposed Project.

The County disagrees with this comment. Policy COS-14.3 does not specifically require development to be located and designed to reduce vehicular trips, but does require design of residential subdivisions and non-residential development through "green" and sustainable land development practices to conserve energy, water, open space, and natural resources.

This comment states the DEIR cannot rely on this policy for purposes of reducing the project's impacts as the project's inconsistency with this policy constitutes a significant impact. The policy in which the commenter is referring to is incorrect. Policy COS-14.3 would help guide future development plans to conserve energy, water, open space, and natural resources.

Refer to response to comment O3-4. 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.

- 03-143 This comment suggests that given the Project's remote location, residents of future development would be reliant on vehicles, therefore increasing fuel consumption, considered a wasteful use of energy.

The County does not concur that each Analysis Area is in a remote location and that residents would be forced to rely on their vehicles to travel to all destinations. The Analysis Areas are found in varying types of communities, including the Village and Semi-Rural Regional Categories. Some of the Semi-Rural areas exhibit a more suburban character with relatively close proximity to jobs, infrastructure, and services.

Please refer to response to comment O3-4. The proposed project would result in changes to General Plan land use designations (and to zoning use regulations when necessary for consistency with proposed General Plan land use designations) that establish allowable land uses and intensities of development; therefore, this PSR SEIR cannot predict energy intensiveness of fuel consumption required by unknown subsequent development projects, because it is not known at this time when or if development would occur. Draft SEIR Section 2.16.3.8, Energy Conservation, concluded the Proposed Project would result in the potential increase in overall energy consumption; however, General Plan policies and applicable regulations would reduce the amount of energy consumption per capita, decrease reliance on fossil fuels, and increase reliance on alternative forms of energy.

- 03-144 This comment references CEQA Guidelines Appendix G, Section IX (b) and cites CEQA case law. The County agrees with how Section IX (b) has been referenced.

This comment does not raise specific issues relative to the Draft SEIR. Therefore, no further response is provided.

- 03-145 This comment makes statements regarding some context and background of the County's General Plan and references sections in the Draft SEIR that relate to the statements. The County does not disagree with the statements made or the references to the Draft SEIR. This comment provides an introduction for the comments that follow regarding the Proposed Project's consistency with General Plan policies. Therefore, no further response is provided.

- 03-146 This comment suggests that because the project calls for development outside the County's urbanized areas and would cause population growth in the County's rural and semi-rural areas, it would be inconsistent with the Guiding Principles of the General Plan.

See the response to comments O3-3 and O3-98. General Plan consistency is evaluated separately for each Analysis Area proposal. The County does not concur that development outside the County's urbanized areas would directly contravene the GPU's Guiding Principles. The existing General Plan Land Use Map allows for extensive development outside the County's urbanized areas.

- O3-147 This comment suggests that the General Plan Consistency section of the Draft SEIR does not review numerous policies that were adopted for the purposes of reducing environmental impacts, and that the only explanation for this approach is a statement about the 2011 GPU being "self-mitigating."

The statement about "self-mitigating" on Page 2.9-10 of the Draft SEIR is not provided as an explanation for the methodology of the General Plan conformance review or the limitation on the number of policies reviewed. That is a reference to the fact that mitigation measures became part of the General Plan, as General Plan policies and measures in the General Plan Implementation Plan. The statement does not suggest different or changing impact conclusions for the 2011 General Plan Update EIR.

Directly after this statement, there are a full five paragraphs (on pages 2.9-10 and 2.9-11) explaining the methodology for the General Plan conformance review and the rationale for the policies covered and those not covered. The County's General Plan includes several policies that could be applicable to a GPA and/or Rezone only if the project includes an associated development proposal to review, as these policies relate to the proposed design of a development and requirements associated with development. The policies that need to be addressed for the project are those that have been determined to apply to a stand-alone GPA/Rezone (with no associated development applications or proposals), like the project, as they relate directly to proposed changes in land use designations and/or zoning, whether the project includes an associated development proposal or not. Additional General Plan policies would be applicable during review of future discretionary projects, like subdivisions or use permits, where there is a development proposal to evaluate. Prior to starting General Plan policy review for the project, County staff conducted outreach with EHL in the fall of 2014, regarding the General Plan policies that apply to a stand-alone GPA/Rezone. EHL was given the opportunity to review the list of policies that staff had determined apply to a stand-alone GPA/Rezone and suggest any changes. At that time, EHL did not make a claim that the non-covered policies (not applicable per staff determinations) referenced in their current comment letter would apply to a stand-alone GPA/Rezone.

Of the policies that apply to a stand-alone GPA/Rezone, the SEIR reviews those policies that were relied upon in the General Plan EIR to reduce environmental impacts. Section 2.9.3.2 of the Draft SEIR addresses the CEQA requirement for General Plan consistency review, by reviewing each of the General Plan policies that apply to a stand-alone GPA/Rezone and that were relied upon in the General Plan EIR to reduce environmental impacts. This Subsequent EIR tiers from the analysis in the General Plan EIR. The policies that were relied upon to reduce environmental impacts are outlined in Table S-1 of the General Plan EIR. Table S-1 of the General Plan EIR is available online at this link (starting on page 7) -

https://www.sandiegocounty.gov/content/dam/sdc/pds/gpupdate/docs/BOS_Aug2011/EIR/FIR_0.01_-_Summary.pdf

- O3-148 This comment again suggests additional General Plan policies need to be evaluated and that the project is inconsistent with policies and Guiding Principles, in addition to suggesting that PSRs will directly enable future discretionary projects.

See the responses to comments O3-98, O3-146, and O3-147, regarding consistency with the General Plan Guiding Principles and the rationale for the General Plan policies covered in the Draft SEIR.

The paragraph in Section 2.9.3.2 on page 2.9-10 that staff believes the comment cites, states that General Plan goals and policies that were NOT relied on to reduce potential environmental impacts in the 2011 PEIR are not addressed in the SEIR. The SEIR goes on to describe that for some General Plan policies it is harder to determine if there would be inconsistencies for the Proposed Project which proposes density increases but no specific project development plans. The County realizes that approval of the proposed density increases would enable project applications to be submitted for any increase in density that is approved. However, for those General Plan policies where clear inconsistencies cannot be identified but only suspected, the decision-making body (Board of Supervisors) will make the ultimate decision on whether there are inconsistencies. Analysis of PSR Analysis Areas that are clearly or not-so-clearly inconsistent with General Plan policies is included in the SEIR.

- O3-149 This comment briefly explains why the commenter disagrees with one component of the methodology for evaluating General Plan conformance in the Draft SEIR. The comment suggests that any findings of General Plan policy inconsistency should be determined to constitute a significant impact.

The rationale for why only some of the noted General Plan policy inconsistencies were determined to constitute significant impacts is provided in Section 2.9.3.2 of the Draft SEIR, on pages 2.9-10 and 2.9-11. Some of the applicable policies include clear, mandatory requirements. Other applicable policies are more general (particularly when applied at a programmatic level to large Analysis Areas) and require review and consideration of various factors in a holistic approach, by decision makers (the BOS for this project). For this second type of policy, a significant impact, as a result of policy inconsistency, is documented in this section only when substantial evidence in the record would lead a person to reasonably conclude inconsistency with the policy. In these cases, as a result of the substantial evidence in the record and the fact that the policy was relied upon in the General Plan Update PEIR to reduce environmental impacts, a finding of a significant impact results.

When there is more “gray area” in evaluating various factors that should be considered in evaluating consistency for a particular policy as it applies to a particular area, staff has found (in certain cases) that there is not enough substantial evidence in the record at this programmatic level to be able to classify such an inconsistency finding as a significant impact. There would be a weighing of various factors to consider, that could lead to a different policy consistency conclusion by decision makers. In each of these cases, the finding is explained, including the reliance on certain mitigation measures.

As noted in Section 2.9.6.2, the overall conclusion for the issue of Conflicts with Land Use Plans, Policies, and Regulations is significant and unavoidable.

- O3-150 This comment suggest that Policy LU-1.3 should have been evaluated in the Land Use Chapter of the Draft SEIR, and that the Project is inconsistent with LU-1.3.

See the response to comment O3-147. The CEQA Guidelines require addressing any inconsistencies with those policies that were adopted for the purpose of avoiding or mitigating an environmental impact. The Draft SEIR tiers from the analysis in the 2011 General Plan Update EIR. Table S-1 in the summary section of the General Plan Update EIR lists each of the CEQA issue topics and sub-topics covered in the EIR and notes those General Plan policies that were relied upon to reduce impacts. Policy LU-1.3 is not listed anywhere in Table S-1 of the General Plan EIR, and therefore, it is not covered in the Draft SEIR for the current project. However, LU-1.3 is applicable to a stand-alone GPA/Rezone and therefore, it will be covered in a General Plan conformance report that will become a component of the staff report for the upcoming public hearings on the project, with the County Planning Commission and Board of Supervisors.

- O3-151 This comment references General Plan policies LU-2.1, LU-2.3, LU-2.4 and LU-2.5, and suggests that all of them should have been covered in the Draft SEIR, instead of only two of them. The comment also suggests that the reviews of Policies LU-2.3 and LU-2.5 in the Draft SEIR are deficient, with explanation coming in subsequent comment numbers.

See the response to comments O3-147 and O3-150. The explanation for the limited number of policies under Goal LU-2 that are discussed in the Draft SEIR is provided in Section 2.9.3.2, on pages 2.9-14 and 2.9-15. Of the four policies referenced in this comment, only LU-2.1 does not apply to a stand-alone GPA/Rezone, as it refers to maintaining updated community plans. EHL did not suggest that this policy would apply to a stand-alone GPA/Rezone when given the opportunity during the 2014 coordination on this topic of applicable policies. The project would not affect the County's ability to maintain updated community plans. Of the other three policies referenced in the comment that do apply to a stand-alone GPA/Rezone, policy LU-2.4 was not relied on in the General Plan EIR to reduce impacts, per Table S-1 of the General Plan EIR (Table S-1 is discussed further in the response to comment O3-150). Therefore, the LU-2.4 review is not applicable to the CEQA Guidelines requirement for this section; however, it will be covered in the General Plan conformance report that will become a component of the staff report for the upcoming public hearings on the project, with the County Planning Commission and Board of Supervisors.

The County does not concur with the comment suggestion that the Draft SEIR's reviews of Policies LU-2.3 and LU-2.5 are deficient, as discussed in the response to subsequent comment numbers which address the commenter's specific claims of deficiencies.

- O3-152 This comment explains why the commenter feels that the FB2+ Analysis Area proposal should have been found to be inconsistent with General Plan Policy LU-2.3, and further suggests that LU-2.1 and LU-2.4 should have been included in this review and FB2+ should have been found to be inconsistent with these two.

The comment states that the FB2+ Analysis Area contains many large agricultural operations and extensive Williamson Act contract lands. On page 2.9-18, the review actually states that FB2+ is "...in an area of many large agricultural operations, including extensive Williamson Act contract lands." The Draft SEIR does not say that FB2+ *contains* these components or *consists of* these components. The surrounding area has these components. FB2+ contains one large agricultural operation, and two small agricultural operations, but does not contain any Williamson Act contract lands. LU-2.3 allows for the consideration of many factors in consideration of community character. The rationale for the policy consistency finding is provided on page 2.9-18.

See the response to comment O3-151 for the explanation of why Policies LU-2.1 and LU-2.4 are not included in the Draft SEIR. In addition, this comment has an incorrect reference to Policy LU-2.1. It calls for maintaining updated community plans, in order to guide development.

- O3-153 This comment concurs with the Draft SEIR's conclusion that the FB2+ Analysis Area proposal would be inconsistent with General Plan Policy LU-2.5 (maintaining greenbelts between communities), but disagrees with the finding that this noted inconsistency would not necessarily constitute a significant impact.

See the response to comment O3-149. Page 2.9-18 of the Draft SEIR provides the rationale for the lack of a significant impact finding. The gray area nature of the policy and factors to consider provides room for substantial discretion of decision makers in evaluating policy consistency. Though staff concludes that the FB2+ proposal is inconsistent with LU-2.5, there is not the level of evidence (leaning inconsistent or consistent) that there is on the policy inconsistency conclusions that are noted as significant impacts. The evidence does not support a finding of significant impact.

As noted in Section 2.9.6.2, the overall conclusion for the issue of Conflicts with Land Use Plans, Policies, and Regulations is significant and unavoidable.

- O3-154 This comment references the Draft SEIR's inconsistency finding for the FB21+ Analysis Area proposal, in relation to General Plan Policy LU-2.3. The comment suggests that the noted inconsistency should have been determined to constitute a significant impact.

See the Response to Comment O3-149. Pages 2.9-19 and 2.9-20 of the Draft SEIR provides the rationale for the lack of a significant impact finding. The gray area nature of the policy and factors to consider provides room for substantial discretion of decision makers in evaluating policy consistency. Though staff finds that the FB21+ proposal is inconsistent with LU-2.3, there is not the level of substantial evidence (leaning inconsistent or consistent) that there is on the policy inconsistency conclusions that are noted as significant impacts.

As noted in Section 2.9.6.2, the overall conclusion for the issue of Conflicts with Land Use Plans, Policies, and Regulations is significant and unavoidable.

- O3-155 This comment suggests that General Plan Policy LU-5.3 should have been reviewed in the Draft SEIR and that the Project should have been found to be inconsistent with this policy.

See the responses to comments O3-147 and O3-150. EHL also did not suggest that this policy would apply to a stand-alone GPA/Rezone when given the opportunity during the 2014 coordination on this topic of applicable policies. Policy LU-5.2 states, “Ensure the preservation of existing open space and rural areas (e.g., forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, and groundwater recharge areas) when permitting development under the Rural and Semi-Rural Land Use Designations.” This policy references the process of permitting development, which is not applicable at the stand-alone GPA/Rezone stage. A development footprint plan would be required, in order to determine whether these sensitive resource areas are being preserved in the development proposal.

- O3-156 This comment suggests that additional General Plan Policies under Goal LU-6 should have been covered in the Draft SEIR, specifically referencing LU-6.1 and LU-6.10. The comment also suggests that the Draft SEIR’s reviews of Policies LU-6.2 and LU-6.11 are inadequate, with explanation in subsequent comments.

See the responses to comments O3-147 and O3-150. EHL also did not suggest that Policy LU-6.1 would apply to a stand-alone GPA/Rezone when given the opportunity during the 2014 coordination on this topic of applicable policies. Policy LU-6.1 states, “Require the protection of intact or sensitive natural resources in support of long-term sustainability of the natural environment.” This policy has not been determined to apply to a stand-alone GPA/Rezone, because without a development footprint plan, there is no way to determine whether intact or sensitive natural resources would be protected. Policy LU-6.10 states, “Require that development be located and designed to protect property and residents from the risks of natural and man-induced hazards.” This policy has not been determined to apply to a stand-alone GPA/Rezone, because it refers to the location and design of development.

The County does not concur with the comment suggestion that the Draft SEIR’s reviews of Policies LU-6.2 and LU-6.11 are inadequate, as discussed in the response to subsequent comment numbers which address the commenter’s specific claims of deficiencies.

- O3-157 This comment questions consistency findings for certain Analysis Areas in relation to General Plan Policy LU-6.2, with specific reference to Analysis Area CD14.

The Draft SEIR’s review of Policy LU-6.2 for each Analysis Area is found on pages 2.9-27 through 2.9-41. In these pages, a rationale is provided for the consistency or inconsistency finding as it relates to each Analysis Area. The comment suggests the reference to an Alternative map for CD14 in the review of Policy LU-6.2 is the reason for the consistency finding. That is simply a cue for the reader to refer to a reduced density Alternative. The rationale for the consistency finding is found in the text before and after that reference. The area proposed for SR-2 in the CD14 Analysis Area is found in the western portion, adjacent to a built out neighborhood. In future development, the entire potential dwelling unit count could be clustered on one-acre lots (proposed zoning minimum lot size) adjacent to this neighborhood and in the area of the site that already has disturbance from dirt roads. The existing regulations that would apply to development, including dead end road lengths and MSCP consistency, would facilitate this clustering. Therefore, instead of new development spread out all over the 101 acres, it would be consolidated close to the existing built out neighborhood, and a consistency finding was made.

- O3-158 Similar to comments O3-153 and O3-154, this comment suggests that findings of inconsistency with General Plan Policy LU-6.2 should have all been determined to constitute significant impacts, with the reviews of Analysis Areas FB2+, FB21+, and the former Champagne Gardens Specific Plan Area listed as examples of this issue.

See the Response to Comment O3-149. The first sentence of this comment correctly notes that the referenced Analysis Area examples were found to be inconsistent with Policy LU-6.2. The next sentence of the comment states these Analysis Areas were found to be consistent with LU-6.2, which is not correct. On pages 2.9-31 (FB2+), 2.9-33 (FB21+), and 2.9-40 (Champagne Gardens), the Draft SEIR provides a review of LU-6.2 in relation to each Analysis Area referenced in this comment, including the rationale for the determinations that the inconsistency findings would not constitute significant impacts. Considering the gray area and many factors to be considered in evaluating consistency with this policy at this programmatic level, the evidence reviewed for these referenced Analysis Areas did not result in a finding of a significant impact.

- O3-159 This comment notes that if the Draft SEIR had reviewed other policies under Goal LU-6, particularly LU-6.1, the Draft SEIR would have determined that the majority of the PSR Analysis Areas would be found inconsistent with these policies.

See the response to comment O3-147 and O3-150. EHL also did not suggest that Policy LU-6.1 would apply to a stand-alone GPA/Rezone when given the opportunity during the 2014 coordination on this topic of applicable policies. Under General Plan Goal LU-6, Policies LU-6.2 and LU-6.11 are the only policies that are applicable to a stand-alone GPA/Rezone. The other policies are related to reviews of development design and development footprint, except LU-6.12, which is related to annual review of areas of floodplains and floodways.

- O3-160 This comment takes issue with Policy LU-6.11 consistency findings for certain Analysis Areas, particularly referencing CD14, NC22, NC37, and VC51. The comment calls for reversing these consistency findings and determining that inconsistencies constitute significant impacts.

The County does not concur that these Analysis Area proposals should be found to be inconsistent with Policy LU-6.11. The rationales for LU-6.11 consistency findings are provided in Section 2.9.3.2 on pages 2.9-28 (CD14), 2.9-36 & 37 (NC22 and NC37), and 2.9-39 (VC51).

- O3-161 Similar to comments O3-153, O3-154, and O3-158, this comment suggests that a finding of inconsistency with a General Plan Policy should have been determined to constitute a significant impact. In this case, it's related to the review of Policy LU-6.11 in relation to the Analysis Area proposal for FB2+.

See the Response to Comment O3-149. Staff found the Analysis Area proposal for FB2+ to be inconsistent with Policy LU-6.11. However, considering the gray area and many factors to be considered in evaluating consistency with this policy at this programmatic level, the evidence reviewed for FB2+ in regards to Policy LU-6.11 did not result in a finding of a significant impact.

As noted in Section 2.9.6.2, the overall conclusion for the issue of Conflicts with Land Use Plans, Policies, and Regulations is significant and unavoidable.

- O3-162 Similar to comment O3-156, this comment suggests that other policies under General Plan Goal LU-6 should have been reviewed, which would have led to additional inconsistency findings. This comment specifically references Policy LU-6.10.

See the response to comment O3-156. EHL also did not suggest that Policy LU-6.10 would apply to a stand-alone GPA/Rezone when given the opportunity during the 2014 coordination on this topic of applicable policies. Policy LU-6.10 states, “Require that development be located and designed to protect property and residents from the risks of natural and man-induced hazards.” This policy is not applicable to a stand-alone GPA/Rezone, as it is related to reviews of development design and development footprint.

- O3-163 This comment quotes General Plan Goal LU-7 and Policy LU-7.1 and questions consistency findings for certain Analysis Area proposals, in relation to Policy LU-7.1; specifically listing Analysis Areas BO18+, DS8, FB2+, FB21+, ME26, NC37, VC7+, VC51, VC57+, and the former Champagne Gardens Specific Plan Area. The comment refers to analysis in the Draft SEIR associated with direct conversion of agricultural lands and findings of significant and unavoidable impacts in that category.

The comment states that the Project would cause the direct conversion of 4,724 acres of agricultural lands within PSR Analysis Areas. The Draft SEIR actually states that the Project would have the *potential* to convert these agricultural lands. The analysis goes on to discuss current regulations, policies, and mitigation measures that would serve to limit the acreage actually converted; however, the conclusion for this issue category is significant and unavoidable, as it was in the 2011 General Plan EIR.

Policy LU-7.1 states, “Protect agricultural lands with lower-density land use designations that support continued agricultural operations.” Within Section 2.9.3.2, on page 2.9-42, the Draft SEIR discusses the rationale and research behind the SR-2 threshold developed for a “lower-density land use designation that supports continued agricultural operations.” Consideration of an SR-2 threshold is based on research on available analysis of lot sizes in relation to successful agricultural operations in the County. The County Agricultural Commissioner provided input on this issue in a 1997 letter to the Department of Planning and Land Use that affirmed the commercial viability of small farms and specifically, two-acre parcels for agricultural use in June 1997. The high cost of land and difficulties farmers face in starting operations on large parcels led to the establishment of San Diego County’s unique small-farm economy. The Guidelines for Determining Significance for Agricultural Resources contains language that supports an SR-2 threshold and states lands compatible with agricultural uses include “rural residential lands,” which is defined in these Guidelines as parcel sizes of two acres or greater. Analysis included in the 2011 General Plan Update EIR provides additional justification for the use of an SR-2 threshold for supporting the continuation of agricultural operations. In the *Agricultural Resources – Conversion of Agricultural Resources to Non-Agricultural Land Uses* section, the analysis assumes that areas allowing one dwelling unit per acre (SR-1) would not support continued agricultural operations. This assumption considers the typical zoning minimum lot sizes and overall residential density associated with SR-1, with many homes in close proximity to each other.

Of the Analysis Areas referenced, where the commenter is questioning the consistency finding, only DS8 proposes a land use designation with an associated density higher than SR-2. DS8 is currently designated VR-2 (2 units per acre), so it is already designated at a density that would not be anticipated to support continued agricultural operations. There are two small areas within the western portion of the former Champagne Gardens Specific Plan Area that are proposed for Rural Commercial designations, and these areas do not have agricultural operations, nor a recent history of agricultural operations.

The reviews of Policy LU-7.1 for each Analysis Area proposal are found on pages 2.9-41 through 2.9-46 of Section 2.9.3.2. Three of the Analysis Area proposals were found to be inconsistent with Policy LU-7.1, with the inconsistencies constituting significant impacts.

- O3-164 This comment references General Plan Goal LU-8 and Policy LU-8.1. The comment references a Groundwater Ordinance minimum lot size as a rationale for suggesting an inconsistency for the FB2+ Analysis Area proposal, and also refers to significance findings associated with water supplies as further evidence of inconsistency.

Policy LU-8.1 states, “Require land use densities in groundwater dependent areas to be consistent with the long-term sustainability of groundwater supplies, except in the Borrego Valley.” A criteria that is used in reviewing the Analysis Area proposals for consistency with this policy is the Groundwater Ordinance minimum lot size. This minimum lot size is based on the average annual precipitation zone the site is in, and applies to sites that rely on wells and do not get water delivered from a district. The comment uses this criteria to suggest an inconsistency finding for the FB2+ Analysis Area.

The comment suggests that the County’s Groundwater Ordinance requires a minimum lot size of 8 acres. The 8-acre minimum lot size per the Groundwater Ordinance only applies to groundwater-dependent sites relying on wells that are in the average annual precipitation zone of 15 to 18 inches per year. Other precipitation zones would allow for less restrictive or more restrictive minimum lot sizes, based on the average annual precipitation amounts.

As noted on page 2.9-41 in the LU-8.1 review for the FB2+ Analysis Area proposal, only the FB18 portion of the FB2+ Analysis Area is groundwater dependent. That portion is in an area of average annual precipitation of 15 to 18 inches, resulting in a Groundwater Ordinance minimum lot size of 8 acres. Therefore, as that portion of the Analysis Area is proposed for RL-20 (1 dwelling unit per 20 acres), the proposal would not be inconsistent with this policy. The portion of the FB2+ Analysis Area that is proposed for SR-4 is within the County Water Authority Boundary and within the water service area for the Rainbow Municipal Water District, so that portion would not be groundwater dependent.

- O3-165 This comment suggests that General Plan Policy LU-10.2 should have been reviewed in the Draft SEIR, suggests the Project is inconsistent with this policy (for reasons noted in other comments), and that the inconsistency would constitute a significant impact.

See the responses to comments O3-147 and O3-150. Policy LU-10.2 states, “Require development in Semi-Rural and Rural areas to respect and conserve the unique natural features and rural character, and avoid sensitive and intact environmental resources and

hazard areas.” This policy was determined to not be applicable to a stand-alone GPA/Rezone because it refers to review of development design, including locations of development footprint. This determination was made in part through communications with Mr. Silver of EHL during coordination on the topic of applicable policies in 2014.

- O3-166 This comment suggests that General Plan Policy LU-8.2 should have been reviewed in the Draft SEIR, and that increases in groundwater demand in certain areas require the County to prohibit development in those areas.

See the response to comment O3-90, O3-147, and O3-150. EHL also did not suggest that this policy would apply to a stand-alone GPA/Rezone when given the opportunity during the 2014 coordination on this topic of applicable policies. General Plan Policy LU-8.2 has not been determined to be applicable to a stand-alone GPA/Rezone with no associated development applications or proposals, because it refers to requirements for development projects. Future development projects within the areas covered by the Project would be required to comply with this policy. Page 2.16-15 of the Draft SEIR notes changes associated with the Project would have the *potential* to cause some groundwater-dependent districts to have inadequate water supply. Future development projects in the areas covered by the Project would be evaluated with regard to groundwater basin conditions at the time of application, and in consideration of any groundwater use offsets or other measures proposed for addressing groundwater impacts at the development stage. The comment further suggests that the County must prohibit development within the Pauma Municipal Water District and the San Luis Rey Municipal Water District because they would have inadequate water supply. As noted in Section 2.8.3.2 on page 2.8-9 and in Section 2.16.3.4 on page 2.16-15, these districts do not deliver water, but serve to protect groundwater rights, among other functions. As noted above, future development projects within the areas of these districts would be reviewed for compliance with Policy LU-8.2.

- O3-167 This comment suggests that General Plan Policy COS-2.1 should have been reviewed in the Draft SEIR and that the Project would be inconsistent with this policy.

See the responses to comments O3-147 and O3-150. EHL also did not suggest that this policy would apply to a stand-alone GPA/Rezone when given the opportunity during the 2014 coordination on this topic of applicable policies. Policy COS-2.1 states, “Protect and enhance natural wildlife habitat outside of preserves as development occurs according to the underlying land use designation. Limit the degradation of regionally important natural habitats within the Semi-Rural and Rural Lands regional categories, as well as within Village lands where appropriate.” Per the wording of the policy, this applies to the review of development projects. It’s helpful to note that there is the potential for clustering in almost every Analysis Area per the proposed land use designation and zoning minimum lot size; where the proposed zoning minimum lot size would facilitate open space preservation on a development site, while still meeting density potential.

- O3-168 This comment suggests that General Plan Policy COS-11.1 should have been reviewed in the Draft SEIR and that the Project would be inconsistent with this policy, as a result of a Draft SEIR conclusion of significant and unavoidable impacts for the topic of Visual Character or Quality.

See the responses to comments O3-147 and O3-150. EHL also did not suggest that this policy would apply to a stand-alone GPA/Rezone when given the opportunity during the 2014 coordination on this topic of applicable policies. Policy COS-11.1 states, “Require the protection of scenic highways, corridors, regionally significant scenic vistas, and natural features, including prominent ridgelines, dominant landforms, reservoirs, and scenic landscapes.” There’s no way to definitively say that these types of features would be impacted, based on just changing land use designations and zoning. The commenter claims that the Draft SEIR states that the Project, “...would result in the degradation of the visual character and quality of the communities...” at page 2.1-29. The Draft SEIR actually says in this section, “...would result in the potential degradation of the existing visual character or quality of a community.” A significant and unavoidable impact conclusion was made for this topic in the Draft SEIR (using a conservative CEQA approach for consideration of *potential* impacts) due to the potential for future impacts associated with development projects. Staff cannot make General Plan consistency determinations for this type of policy when there is no development proposed, as there are ways to design a development to avoid impacting these types of scenic resources. Therefore, this policy has not been determined to be applicable to a stand-alone GPA/Rezone.

- O3-169 This comment suggests that General Plan Policy COS-13.1 should have been reviewed in the Draft SEIR and that the Project would be inconsistent with this policy, as a result of a Draft SEIR conclusion of significant and unavoidable impacts for the topic of Substantial Light or Glare.

See the responses to comments O3-147 and O3-150. EHL also did not suggest that this policy would apply to a stand-alone GPA/Rezone when given the opportunity during the 2014 coordination on this topic of applicable policies. Policy COS-13.1 states, “Restrict outdoor light and glare from development projects in Semi-Rural and Rural Lands and designated rural communities to retain the quality of night skies by minimizing light pollution.” This policy refers to the review of proposed lighting on development projects in certain areas of the County. It is not applicable to a stand-alone GPA/Rezone because there are no associated development proposals and therefore, no lighting proposals. The commenter claims that the Draft SEIR states that the Project, “...would increase light and glare in PSR Areas which would adversely affect day or nighttime views...” at page 2.1-29 and 2.1-30. The Draft SEIR actually says in this section, “...would have the potential to result in increased light and glare...” A significant and unavoidable impact conclusion was made for this topic in the Draft SEIR (using a conservative CEQA approach for consideration of *potential* impacts) due to the potential for future impacts associated with development projects. Staff cannot make General Plan consistency determinations for this type of policy when there is no development proposed and no lighting proposed.

- O3-170 This comment takes issue with the Draft SEIR discussions of General Plan Policy COS-14.1 and suggests that additional Analysis Area proposals should have been found to be inconsistent with this policy (beyond those Analysis Areas identified as inconsistent with this policy in the Draft SEIR).

Policy COS-14.1 states, “Require that development be located and designed to reduce vehicular trips (and associated air pollution) by utilizing compact regional and community-level development patterns while maintaining community character.” The reviews of Policy COS-14.1 are found on pages 2.9-54 through 2.9-60 of the Draft SEIR. While the policy refers to development projects, it was determined to apply to a stand-alone GPA/Rezone due to the reference to regional and community-level development patterns and maintaining community character. This doesn’t remove the fact that development projects can be designed to reduce vehicle trips, using Transportation Demand Management (TDM) and related methods. Staff evaluated the proposals in terms of regional and community level development patterns in relation to community character. Consideration was given to proximity to existing Villages, proximity to job centers and commercial services, proximity to existing infrastructure (particularly transportation infrastructure), and existing development patterns. The policy requires consideration of many factors, which should be considered in a balanced methodology. The comment refers to “these rural communities,” but the Analysis Areas are found in varying types of communities, including the Village and Semi-Rural Regional Categories. Some of the Semi-Rural areas exhibit a more suburban character with relatively close proximity to jobs, infrastructure, and services.

- O3-171 This comment discusses consistency review for General Plan Policy S-1.1 and suggests that any findings of inconsistency should have been determined to constitute significant impacts, with a specific reference to BO18+.

The rationale for why only some of the noted General Plan policy inconsistencies were determined to constitute significant impacts is provided in Section 2.9.3.2 of the Draft SEIR, on pages 2.9-10 and 2.9-11.

See the Response to Comment O3-149. Staff found the Analysis Area proposal for BO18+ to be inconsistent with Policy S-1.1. However, considering the gray area and many factors to be considered in evaluating consistency with this policy at this programmatic level, this inconsistency of BO18+ in relation to Policy S-1.1 did not result in a determination of a significant impact.

As noted in Section 2.9.6.2, the overall conclusion for the issue of Conflicts with Land Use Plans, Policies, and Regulations is significant and unavoidable.

- O3-172 This comment takes issue with Policy S-1.1 consistency findings for certain Analysis Areas, particularly referencing CD14, DS24, FB2+, FB17, FB19+, ME26, ME30A, NC3A, NC18A, NC22, NC37, PP30, SD15, VC7+ and VC51. The comment calls for reversing these consistency findings and determining that inconsistencies constitute significant impacts.

The County does not concur that these Analysis Area proposals should be found to be inconsistent with Policy LU-6.11. The rationales for LU-6.11 consistency findings are provided in Section 2.9.3.2 on pages 2.9-62 (CD14 and DS24), 2.9-63 (FB17 and FB19+), 2.9-64 (ME26, ME30A, and NC3A), 2.9-65 (NC18A, NC22, and NC37), 2.9-66 (PP30, SD15, and VC7+), and 2.9-67 (VC51).

- O3-173 This comment suggests that the Draft SEIR fails to evaluate the project's consistency with the Forest Conservation Initiative (FCI) or impacts on the lands covered by the FCI. The comment refers to the January 9, 2012 Board of Supervisors Staff Report for consideration of PSR proposals as they existed at that time.

The FCI was originally approved by voters in 1993 and expired on December 31, 2010. At the time of expiration, it was too late in the General Plan Update process for the lands covered by the FCI to be included in the General Plan Update, and the properties covered under FCI reverted to their previous General Plan land use designations and zoning. As a result, the Board directed staff to prepare a separate General Plan Amendment to address the FCI lands, in order to consider options for applying General Plan land use designations and zoning for the FCI lands that would be consistent with the updated General Plan.

The January 9, 2012 Board hearing (staff report referred to in the comment) was part of the early stages of consideration of PSRs to be included in a GPA. As shown when comparing the proposals outlined and mapped in the attachments to this January 9, 2012 staff report to those in the June 20, 2012 staff report; these January 2012 proposals are not the same as those considered by the Board when they provided the direction on areas to include in the current Project in June 2012. At the January 2012 stage, there were no Analysis Area groupings or consideration of Study Area parcels. In most cases, the January 2012 PSRs were proposals for spot designations. Even more importantly, many of the PSR proposals were reduced, in terms of the designation requested/proposed, between January 2012 and June 2012.

At the time of this January 9, 2012 hearing, it was unknown whether the Board would consider changes to the General Plan Policies or Guiding Principles, in order to accommodate certain PSRs, as they were proposed at that time (not the same proposals being evaluated in the current project). It was potential changes to General Plan Policies and Guiding Principles that had the greatest potential to impact the FCI lands planning process, which was in the early stages at that time. In their June 2012 direction on the current Project, the Board did not direct any changes to General Plan Guiding Principles or Policies, in order to accommodate PSR Analysis Area proposals. The Board would have to find General Plan consistency for any map option they select at the end of the of the current GPA/Rezone process.

The GPA/Rezone for the FCI lands was adopted by the Board on December 14, 2016, including updates to the General Plan land use designations and (in some cases) zoning of the FCI lands. The FCI GPA/Rezone was included in the cumulative projects list for the PSRs GPA/Rezone Draft SEIR as the FCI project was still being processed at the time of the Notice of Preparation (NOP) for the PSRs GPA/Rezone. Now that the initiative has long been expired and the all of the FCI lands have adopted General Plan land use designations and zoning that are consistent with the current General Plan, the land use designations and zoning on these former FCI lands are taken into consideration the same way any other existing land use designations and zoning use regulations are.

- O3-174 This comment expands on comment O3-173 by referring to discussion in the January 9, 2012 Board of Supervisors Staff Report for consideration of PSR proposals as they existed at that time.

See the response to comment O3-173.

- O3-175 This comment expands on comments O3-173 and O3-174, by reiterating the January 9, 2012 Board of Supervisors Staff Report's references to the FCI planning process and suggesting that the Draft SEIR should be revised to provide analysis of impacts to FCI lands.

See the response to comment O3-173.

- O3-176 This comment references the Draft SEIR and states the Draft SEIR acknowledges the project would be inconsistent with the RTP/SCS as it would increase dwelling units in some semi-rural and rural areas, farther from villages and/or higher densities of incorporated cities, and identifies a significant impact for such; but then states that the degree of analysis was insufficient to inform the public and decision-makers about the environmental impacts.

The Draft SEIR does state on page 2.9-74 that 10 (of the 21) PSR Analysis Areas were determined to NOT be consistent with the RTP/SCS for the reason stated above, and that the other 11 and the former CGSP Subareas would be consistent because they propose higher density along the periphery of existing villages and towns. The County disagrees that the level of analysis was insufficient for the program level of analysis performed for the proposed project; therefore, no further response is necessary.

- O3-177 This comment repeats the alleged insufficient degree of analysis stated in the previous comment and states the lead agency cannot assert a significant impact and just move on, and cites several CEQA court cases in support of this assertion.

The County disagrees that the programmatic level of analysis was insufficient for the proposed project. The Draft SEIR was prepared in accordance with CEQA Guidelines Sections 15152(c) and 15168(c). A program EIR is intended to provide a general analysis, followed by a tiered analysis as more information about a specific project becomes available. See *City of Hayward v Board of Trustees of the California State University* (2015) Cal.App.4th 833.

- O3-178 This comment states the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) calls for achieving greenhouse gas (GHG) emission reduction goals using land in a way that makes development more compact, conserving open space and by reducing vehicle miles traveled throughout the region; that the project in contrast proposes dwelling units in rural areas forcing residents to rely on automobiles for transportation; and that the Draft SEIR does not provide quantification of vehicle miles travelled.

Vehicle miles travelled has not been quantified as the Proposed Project does not include specific project level development proposals for vehicle miles to be quantified. Even for project level proposals, the County is not yet required (until January 1, 2020 pursuant to S.B. 743) and has not yet developed a methodology to analyze vehicle miles travelled for comparison or reduction purposes. The Draft SEIR does recognize the Proposed Project will increase traffic associated with the increased density and has identified significant impacts related to Air Quality Plans (Chapter 2.3), Conflicts with Land Use Plans (Chapter 2.9), and Unincorporated County Traffic and Level of Service (Chapter 2.15).

In addition, the County does not concur that all of the Analysis Areas are in rural, remote locations, and that residents will be forced to rely on automobiles for all trips. The Analysis Areas are found in varying types of communities, including the Village and Semi-Rural Regional Categories. Some of the Semi-Rural areas exhibit a more suburban character with relatively close proximity to jobs, infrastructure, and services.

- O3-179 This comment implies that the Draft SIER does not acknowledge the project is not accounted for in SANDAG's growth forecasts, but then states that this information is buried in the Draft SEIR's land use analysis.

This comment is not correct. Section 2.3.3.1 of the Draft SEIR provides a discussion that the level of growth associated with the Proposed Project may not be included in the SANDAG growth projections, and therefore, the Proposed Project would not be consistent with the Regional Air Quality Strategy (RAQS). The Land Use section is the appropriate place to analyze a projects consistency with applicable land use plans, policies, and regulations, as shown by CEQA's Appendix G Environmental Checklist Form. Section 2.9.3.2 of the Draft SEIR states that the growth associated with the Proposed Project (1,826 additional potential dwelling units) is more than half the increase forecast by SANDAG, and that the project is not accounted for in the forecast or the RAQS. In both cases the Draft SEIR concludes the proposed growth is not consistent with SANDAGs growth forecast and the project would result in a significant impact.

- O3-180 This comment states the proposed project would not comply with mitigation measures CC-1.2 and CC-1.3 from the GPU PEIR, and the project moves the County in the opposite direction of achieving the regional GHG reduction goals associated with land use and transportation.

The Draft SEIR recognizes primary sources of operational GHG emissions from the proposed project would be from motor vehicles and a potentially significant impact was identified (DEIR at 2.17-11). Regarding GPU Mitigation Measure CC-1.3 the County regularly coordinates with SANDAG on planning issues in the County. In addition, SANDAG provided a comment letter on the Project dated February 12, 2018. Mitigation measure CC-1.2 from the GPU PEIR required the County to prepare a Climate Change Action Plan to reduce emissions in the unincorporated County and from County operations. The County Board of Supervisors approved the CAP and Supplemental EIR on February 14, 2018. The County's CAP includes strategies and measures to reduce emissions in the unincorporated communities of San Diego County and from County government operations. The CAP updated mitigation measure CC-1.2 to comply with current state legislative targets under Senate Bill 32. The County's CAP fully complies with mitigation measure CC-1.2 as revised of the 2011 GPU PEIR. Regarding mitigation measures and policies in the 2011 GPU dealing with transportation, please see Chapter 2.15 of this SEIR, which incorporates over 50 policies and 24 mitigation measures addressing transportation impacts. These policies and mitigation measures are incorporated by reference into this Project and remain adequate to reduce impacts from transportation and traffic as certified in the 2011 GPU PEIR. These policies and mitigation measures were not challenged and, therefore, remain adequate to reduce impacts from this Project.

- O3-181 This comment states the DEIR fails to identify feasible mitigation to reduce the proposed project's inconsistency with the RTP/SCS and the County's draft CAP.

The Draft SEIR provided several General Plan Policies (LU-1.1, LU-1.2, LU-1.3, LU-1.7, LU-4.1, LU-5.3) and mitigation measures (M-Air-1.1, M-Air-1.2) to reduce impacts associated with the proposed project's conflicts with Air Quality Plans (Chapter 2.3), Conflicts with Land Use Plans (Chapter 2.9), and Unincorporated County Traffic and Level of Service (Chapter 2.15). See Table S-1 Issue Topics 2.3 Air Quality (1) Air Quality Plans, 2.9 Land Use (2) Conflicts with Land Use Plans, and 2.15 Transportation and Traffic (1) Unincorporated County Traffic and Level of Service for a listing of these policies and mitigation measures. However, the County concluded that even with implementation of the General Plan policies, regulatory processes, and mitigation measures; these impacts would not be reduced to a level of below significant.

The Draft SEIR also determined that through the application of General Plan Policies and mitigation measures that impacts regarding Greenhouse Gas Emissions would be less than significant. The County's CAP was adopted and SEIR certified by the Board of Supervisors on February 14, 2018. The County's CAP does address VMT throughout the unincorporated County and from County operations, which supplements the policies and mitigation measures in the GPU PEIR as indicated in Response to Comment O3-181. The County's CAP includes strategies and measures to reduce emissions in the unincorporated communities of San Diego County and from County government operations and complies with state legislative targets under AB 32 and SB 32. In fact, the County's CAP would reduce VMT in the County beyond what was analyzed in the GPU PEIR. The GPU PEIR was not subject to litigation and, therefore, the policies and mitigation measures therein to reduce VMT impacts remain adequate for this Project.

The commenter states that the CAP's Checklist does not provide measures with which to reduce VMT from residential development. However, the County's CAP addresses VMT from residential and non-residential through strategies and measures that achieve the state legislative requirements. Regarding the use of carbon offsets as appropriate mitigation under CEQA, please see Response to Comment O3-130.

The County disagrees that using mitigation for carbon offsets "runs counter to the spirit of the State's climate change policies and goals" as the comment claims. Carbon offsets are expressly allowed in CEQA Guidelines section 15126.4(c)(3). Carbon offsets are well within the spirit of the State's climate change policies and goals. The adoption of California Global Warming Solutions Act of 2006 (AB 32) required that California reduce GHG emissions through a comprehensive program of regulatory and market mechanisms to the 1990 emission levels by the year 2020. The State legislature when adopting AB 32, delegated the California Air Resources Board (CARB) with the responsibility to implement and develop the programs and requirements necessary to achieve the GHG emissions reduction mandates of AB 32. Among the responsibilities given to CARB, AB 32 authorized CARB to adopt market-based mechanisms, which could include carbon offset credits. In particular, CARB's Scoping Plan must "identify and make recommendations on direct emission reduction measures, alternative compliance mechanisms, market-based compliance mechanisms, and potential monetary and nonmonetary incentives" to achieve the 2020 goal, and achieve "the maximum technologically feasible and cost-effective GHG emission reductions" by 2020 and maintain and continue reductions beyond 2020.

On December 14, 2017, CARB adopted The 2017 Climate Change Scoping Plan Update (Second Update) (CARB 2017). CARB recognized that where further project design or regional investments are infeasible or not proven to be effective, it may be appropriate and feasible to mitigate project emissions through purchasing and retiring carbon offset credits issued by a recognized and reputable voluntary carbon registry (2017 Climate Change Scoping Program (Second Update), page 102).

Therefore, the commenter's claim that use of carbon offsets "runs counter to the spirit of the State's climate change policies and goals" is false as evidenced above.

- 03-182 This comment cites CEQA case law, Section 21002 of the Public Resources Code, and Sections 15002 (a)(3), 15021 (a)(2), 15126 (d) of the CEQA Guidelines to describe the importance of a proper analysis of alternatives. This comment suggests the Draft SEIR fails to meet CEQA mandates that require an EIR to consider a reasonable range of alternatives.

The County does not agree that the Draft SEIR failed to provide a reasonable range of alternatives. Refer to response to comment O3-4. 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. Chapter 4 of the Draft SEIR provides meaningful analysis for comparison of the alternatives. The Alternatives Chapter closely follows CEQA Guidelines (Section 15126.6). It focuses on whether or not there would be more or less environmental impacts for a given alternative when compared to the Proposed Project and includes a summary table as an overview of the comparison.

- 03-183 This comment states the Draft SEIR fails to disclose the extent and severity of the Project's broad-ranging impacts, therefore alternatives cannot be adequately assessed. This comment also states the Draft SEIR fails to provide an adequate analysis of the reduced density alternative.

The County does not agree with this comment. The County believes an adequate analysis has been performed including review of alternatives, given the programmatic level of review conducted. General Plan Policies and mitigation measures have been incorporated where applicable, although the Proposed Project and Reduced Density Alternatives still result in many unavoidable impacts.

Refer to response to comment O3-4. 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 relies on General Plan policies,

mitigation/implementation measures, ordinances, design guidelines, and procedures to establish requirements for future development that must be met prior to receiving a building permit. Furthermore, Section 4.2 of the Draft SEIR provides meaningful analysis of the reduced density alternative as it relates to each PSR Analysis Area, provides a discussion of which environmental impacts would be reduced and/or increased from implementation of the reduced density alternatives.

- O3-184 This comment implies a reduced density alternative was not provided for PSR Analysis Areas VC7+, VC51, or VC57+.

The comment is incorrect, Section 4.2 describes the reduced density alternative for each of the applicable PSR Analysis Areas including VC7+, VC51, and VC57+. See pages 4-6 and 4-7 of the Draft SEIR. The last paragraph on page 4-2 of the Draft SEIR describes why no feasible alternatives were identified for the Revision to the Valley Center Community Plan Residential Policy 8 component of the Proposed Project. It does not refer to Analysis Areas VC7+, VC51, and VC57+.

- O3-185 This comment implies the Draft SEIR does not provide sufficient analysis of the agricultural impacts associated with the reduced density alternatives to allow for informed decision-making.

Refer to response to comment O3-4. The PSR GPA cannot predict when and how any future development will occur, but can analyze the maximum potential development on a programmatic scale based on the densities allowed by the land use designations assigned. Therefore, at the programmatic level of review, Reduced Density/Intensity Alternatives were determined to have a reduced impact (e.g. to agricultural resources) due to a reduced intensity of development that would be allowed. However, it could not be definitively stated that impacts would be reduced to less than significant for each of the alternatives.

- O3-186 This comment implies the Draft SEIR does not provide specific level of detail (acreage impacted, sensitive species impacted) regarding biological impacts associated with the reduced density alternatives to allow for informed decision-making.

Please refer to response to comment O3-4 and O3-185 above. The response applies to the analysis conducted for all Reduced Density/Intensity Alternatives.

- O3-187 This comment implies the Draft SEIR does not provide sufficient analysis in regards to wildland fires associated with the reduced density alternatives to allow for informed decision-making.

Please refer to response to comment O3-4 and O3-185 above.

- O3-188 This comment implies the Draft SEIR does not provide sufficient analysis of the water supply impacts associated with the reduced density alternative to allow for informed decision-making.

Refer to response to comment O3-4 and O3-185 above.

- O3-189 This comment implies the Draft SEIR did not provide a reasonable range of alternatives.

Chapter 4 of the Draft SEIR analyzes a reduced density/intensity alternative for 19 of the 21 PSR Analysis Areas, an additional Board Letter Alternative for PSR SD15, and two alternative maps for the former Champagne Gardens Specific Plan (CGSP) parcels (in addition to the No Project Alternative). The Board may choose any of these alternatives, the Proposed Project, or No Project Alternative in any combination for the PSR Analysis Areas and former CGSP parcels, which results in many possible alternatives for consideration. Furthermore, the Draft SEIR is consistent with Section 15126.6(d). Per Section 15126.6(f) of the CEQA Guidelines states: *the range of alternatives required in an EIR is governed by the “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project.”*

- O3-190 The comment questions why the Draft SEIR didn’t include additional alternatives that could eliminate or reduce all significant and unavoidable impacts to less than significant level.

As explained in the previous response (O3-189) many combinations of alternatives are available for the Board to consider. Because of the nature of the Proposed Project, any reduced density alternative between the Proposed Project densities and the No Project Alternative is likely to still result in potential impacts. It is not possible given the programmatic level of analysis performed to identify reduced project alternatives that could reduce all potentially significant and unmitigable impacts to less than significant, nor does CEQA require alternatives to do so. Per CEQA Guidelines Section 15126.6(a) “An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparison merits of the alternatives. An EIR need not consider every conceivable alternative to a project.”

- O3-191 The comment questions why the County didn’t consider an Infill Alternative that directs development to areas inside or immediately adjacent to the limits of the County’s 18 incorporated Cities.

The County acknowledges the comment. A specific Infill Alternative was not considered as the project scope is limited to analysis of the areas described in the Project Description, per direction from the County Board of Supervisors. Furthermore, the Draft SEIR states on page 2.9-74 that 11 of the 21 PSR Analysis Areas and the former CGSP Subareas would be consistent with the RTP/SCS because they propose higher density along the periphery of existing villages and towns.

- O3-192 This comment states the Draft SEIR cannot properly form the bases of a final EIR, and cites CEQA requirements for recirculation.

The County disagrees with this comment and does not consider either of the two circumstances stated for recirculation to have occurred. The project is compliant with CEQA Guidelines Sections 15152(b), 15152(c) and 15168 (c); as detailed in response to comment O3-4.

- O3-193 This comment implies the Draft SEIR analysis is fundamentally and basically inadequate and conclusory in nature, that it understates the project's significant impacts, and that the Draft SEIR will require the addition of significant new information following public review, requiring recirculation.

The County disagrees with this comment. Refer to response to comments O3-4 and O3-192.

- O3-194 This comment states the Proposed Project is inconsistent with the General Plan, and therefore violating the California Planning and Zoning Law.

The PSR GPA is proposing changes to the existing General Plan designations that establishes allowable land uses and densities of development. An analysis of the Proposed Project's consistency with General Plan Policies was conducted and several inconsistencies were stated in the SEIR. In order to establish compliance with State Planning and Zoning Law as referenced, the Board would have to find General Plan consistency with any map option they end up approving. A General Plan conformance report will be prepared for the Planning Commission and Board of Supervisors hearing staff reports. This report will cover all of the General Plan policies that apply to a stand-alone GPA Rezone, not just those that were relied upon in the 2011 General Plan EIR to reduce impacts. If there are instances where the Board finds General Plan consistency for any policies in relation to any Analysis Areas, where staff found inconsistency, the General Plan conformance report would be updated to reflect the Board findings, for them to adopt at a final hearing.

- O3-195 The comment states a General Plan must be internally consistent.

The County concurs with this comment. Refer to response to comment O3-194.

- O3-196 This comment offers a conclusion stating the Proposed Project has glaring inconsistencies with the General Plan, and therefore violates the California Planning and Zoning Law.

Refer to responses to comments O3-3 and O3-194.

- O3-197 The comment states that approval of the project would violate SB610.

The County disagrees with this comment. Refer to response to comment O3-4. SB610 requirements do not apply to the general plans of cities or counties, but rather to specific development projects. As noted in the Draft SEIR and in several comment responses, there is no development proposed with the current project. The Draft SEIR includes an analysis of potential water supply impacts associated with the Proposed Project and concludes the impacts would be significant and unavoidable.

- O3-198 The comment states the project would violate the Sustainable Groundwater Management Act because the County has not analyzed existing groundwater management plans or considered adopting a groundwater sustainability plan or referred the project to groundwater management agencies.

The County disagrees with this comment. Implementation of the Sustainable Groundwater Management Act is underway and the County is working with several agencies on the development of several groundwater sustainability plans (GSP), including for the highest

priority, the Borrego Valley groundwater basin. These efforts are recognized to require several years. The Borrego Springs GSP is required to be adopted by January 31, 2020. The Sustainable Groundwater Management Act is described in Section 2.8.2 of the Draft SEIR; potential impacts on groundwater supply (including for the Borrego Valley) were analyzed in Section 2.8.3.2; and impacts on water supply for groundwater dependent water districts was addressed in Section 2.16.3.4 of the Draft SEIR.

03-199 The County disagrees with this comment. Please see the previous response to comment O3-198.

03-200 The County disagrees with this comment. Please see the previous response to comment O3-198.

03-201 The County disagrees with this comment. Please see the previous response to comment O3-198. The County along with the Borrego Water District will comprise the management entity for the Borrego Valley GSP when it is adopted..

03-202 This comment is a summarization of previous comments implying the Draft SEIR has numerous deficiencies making it inadequate under CEQA , necessitating extensive revision and recirculation, and that the Proposed Project is in violation of various Plans, Laws and Acts.

The County disagrees with this comment. Refer to responses to comment O3-4, O3-192 through O3-201.

03-203 The comment requests that the County reevaluate the Project in light of previous comments and make changes to the Project design.

Comment noted, however, no changes to the Proposed Project or alternatives have been made. The Department will consider all comments in making recommendations to the Planning Commission and Board of Supervisors, for each component of the project.