

July 22, 2014

To: Mark Slovick, Project Manager
County of San Diego Planning and Development Services
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[\(858\) 495-5172](tel:(858)495-5172)

Subject: Revised DEIR Public Comments Regarding the DEIR Chapter 4 Project Alternative with regard to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001(GPA), PDS2012-3810-12-001 (SP).

Dear Mr. Slovick:

Subject: DEIR Public Comment to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001(GPA), PDS2012-3810-12-001 (SP), DEIR Chapter 4 Project Alternatives

Comment I - 4.1.1.1 Alternative Location – The County of San Diego has wrongly excluded qualifying Alternative locations presented by the Public

I) INCLUDE THE DOWNTOWN ESCONDIDO SPA ALTERNATE SUBMITTED BY PUBLIC COMMENT VIA LETTER Ltr. 8-19-13 Project Alternatives (Attachment 1) OR STATE COMPREHENSIVELY AND IN DETAIL WHY IT WAS EXCLUDED FROM CONSIDERATION.

II) THE COUNTY'S RATIONALE FOR ALTERNATIVE SITE EXCLUSION IS BIASED, INTERMINGLES RATIONALE FOR EXCLUSION OF VALLEY CENTER VILLAGES WITH THE ESCONDIDO DOWNTOWN SPA, AND MOST IMPORTANTLY IS UNSUBSTANTIATED.

a). On page 4-5 the DEIR states:

"With respect to an off-site location, there is no other similarly sized (600+ acres) parcel, or group of contiguous parcels available for assembly that is available for development as a compact village, close to I-15, in the Valley Center-Bonsall area. The location of the project within the I-15 corridor is important to meet the first project objectives due to the proximity of the freeway and other infrastructure and services needed to serve the residents of the project."

This statement has three elements which are either misleading or patently false:

1. "there is no other similarly sized (600+ acres) parcel, or group of contiguous parcels available for assembly that is available for development as a compact village"

The Downtown Escondido Specific Plan Area (SPA) has availability for Development, at higher densities than the Project. The relevant measure should be Equivalent Dwelling Units, not raw acreage. The Downtown Escondido SPA site has more available capacity for the residential and commercial land uses the Project proposes and already IS a compact

village. The Downtown Escondido SPA also has superior access to mass transit than the Project does.

2. “close to the I-15”

The Downtown Escondido SPA is **closer** to the I-15 than the Project.

3. “in the Valley Center-Bonsall area”

WHERE DID THIS SELECTION CRITERIA COME FROM? The relevant objective is Objective 1 - Develop a community within northern San Diego County in close proximity to a major transportation corridor consistent with the County’s Community Development Model for a walkable pedestrian-oriented mixed-use community. **THE OBJECTIVE STATES “northern San Diego County,” not Bonsall-Valley Center. Escondido is in northern San Diego County. The Downtown Escondido SPA meets the County’s Objectives.**

b). On page 4-5 and 4-6 the DEIR states:

“This project would create a new Village, providing an additional location within the VCCP area with services and housing opportunities. The project area is positioned in proximity to the I-15 and within existing districts for sewer water and fire service. There is an adequate road network offering multiple routes throughout the project and would which ultimately connect with freeway ramps to I-15. Placing the project in another location may result in additional issues related to traffic and services.”

With respect to the Downtown Escondido SPA, this statement is incorrect as is substantiated below:

1. “Placing the project in another location may result in additional issues related to traffic and services.”

The Downtown Escondido SPA is a superior location for traffic and services, generating far fewer Vehicle Miles Traveled than the Project. This argument is without merit.

c). On page 4-6 the DEIR states:

“Further, the applicant already owns the project site and cannot reasonably acquire an alternative site. Thus, in accordance with CEQA Guidelines Section 15126.6(f), the acquisition of an alternative location would be considered infeasible.”

With respect to the Downtown Escondido SPA, this statement is incorrect. The County’s rationale lists only two of the seven **non-exclusive factors** contained in CEQA Guidelines Section 15126.6(f). The Downtown Escondido SPA Alternate is consistent with the majority of the seven non-exclusive factors included in of CEQA Guidelines Section 15126.6(f) **and an analysis of the Downtown Escondido SPA Alternative must be included in the Project DEIR.** Refer to the entire discussion on page 3 of Ltr 8-19-13 Project Alternatives (attached),

d). on page 4-6 of the DEIR, the County concludes:

“Therefore, an alternative location was considered but rejected because of the (1) lack of a suitable-sized site, (2) lack of a site located in proximity to I-15 and existing service

areas, (3) lack of ability to reduce VMT the potential for greater GHG emissions and traffic impacts, and (4) that the proponent cannot reasonably acquire an alternative site.”

This conclusion has no substance for any of the four arguments presented in favor of the Project. Substantiation of this statement is below:

(1) lack of a suitable-sized site – **The Downtown Escondido SPA Alternate has more capacity than the Project in each of its land use categories.**

2) lack of a site located in proximity to I-15 and existing service areas- **The Downtown Escondido SPA Alternate is in closer proximity to I-15 than the Project.**

(3) lack of ability to reduce VMT the potential for greater GHG emissions and traffic impacts – **The Downtown Escondido SPA Alternate has far fewer VMT, GHG emissions, and traffic impacts**

(4) that the proponent cannot reasonably acquire an alternative site – **The statement may or may not be true, but by itself it is not sufficient rationale to exclude the Downtown Escondido SPA Alternate.**

In conclusion, the County of San Diego **MUST INCLUDE IN THE DEIR A REASONABLE ALTERNATE – THE DOWNTOWN ESCONDIDO SPA AND EVALUATE THE ABILITY OF THE ALTERNATE TO SATISFY PROJECT OBJECTIVES.**

COMMENT II - 4.1.8 Road Standard Design Exceptions –THE COUNTY SHOULD NOT ACCEPT ANY OF THE ROAD EXCEPTIONS

There are potential safety Hazard issues with of these Exceptions. The County has not performed and shared with the Public any Hazard analyses on nine of the proposed Road Exceptions.

The County has only performed and disclosed to the Public Hazard Analysis on a single Exception – Exception # 7 Mountain Ridge Design Speed. The “analysis” consists of less than a page on page 11 of the Traffic Impact Study, and this analysis has many unsubstantiated assertions. The “hazard analysis of Exception #7 Mountain Ridge Design Speed is discussed below.

The Applicant asserts the following on page 11 of the Traffic Impact Study (TIS):

“ii. HAZARDS DUE TO AN EXISTING TRANSPORTATION DESIGN FEATURE

Mountain Ridge Road is a residential serving road with several vertical curves and design speed as low as approximately 5 mph along certain sections. Since the road is not currently built to County private road standards, an assessment according to Section 4.6 of the County Guidelines was completed considering the following factors:

1) Design features/physical configurations of access roads may adversely affect the safe movement of all users along the roadway.

- 2) The percentage or magnitude of increased traffic on the road due to the proposed project may affect the safety of the roadway.
- 3) The physical conditions of the project site and surrounding area, such as curves, slopes, walls, landscaping or other barriers, may result in conflicts with other users or stationary object.
- 4) Conformance of existing and proposed roads to the requirements of the private or public road standards, as applicable.”

The following is a discussion of each of these four individual factors:

- 1) There are several vertical curves along Mountain Ridge Road, some of which have grades exceeding 20%. The design speed along certain sections is only about 5 mph as constructed. Therefore, due to the presence of these curves and the design speed below County Standards, it is concluded that the current road may adversely affect the movement of users.
- 2) The project is forecasted to increase the ADT on Mountain Ridge Road from the current 160 ADT to 1,190 ADT. While this is a high percentage increase, an ADT of 1,190 ADT is only about 2 cars per minute during peak periods, and this amount would not significantly contribute to any safety issues along the roadway.
- 3) The presence of several vertical curves was described in Item 1) above. There are no horizontal curves on the roadway, nor are there any slopes, walls, or barriers that could cause conflicts. Therefore, no issues are expected due to this item.
- 4) Table on the previous page shows County private road standards for various roadway types depending on the level of ADT served by the roadway. Two columns were added to the Table. The first is an indication of each of the measurable criteria for Mountain Ridge Road. As can be seen, Mountain Ridge Road meets the standards of a 751-2,500 ADT road in all cases except for the vertical design speed. Since Mountain Ridge Road currently has design features, namely several vertical curves, that may affect the movement of users (#1) and does not fully conform to County private road standards (#4), it is concluded that a potentially significant impact could occur in terms of roadway hazards. The improvements being made to the existing Mountain Ridge Road are to widen the paved width from 20 feet to 24 feet, as well as lengthening one of the vertical curves to increase the minimum design speed from 5mph to 15 mph.”

Public Comments regarding this purported “Hazard analysis of Road Exception #7 – Mountain Ridge Design Speed

THE APPLICANT AVOIDS DISCUSSION OF MEASURABLE METRICS IN THE PRIVATE ROAD STANDARDS AND USES “Section 4.6 of the County Traffic Guidelines” TO CONSTRUCT ARGUMENTS BASED ON SUBJECTIVE VAGUE CRITERIA, RATHER THAN MEASUREMENT AGAINST AN OBJECTIVE STANDARD.

Below are specific questions regarding the “Hazards Analysis”:

“1) There are several vertical curves along Mountain Ridge Road, some of which have grades exceeding 20%. The design speed along certain sections is only about 5 mph as constructed. Therefore, due to the presence of these curves and the design speed below County Standards, **it is concluded that the current road may adversely affect the movement of users.**”

When a structured quantitative analysis is performed, the more appropriate statement is: IS A SAFETY HAZARD. Please answer why an analysis of the multiple driveway/road intersections were not analyzed. Many of the driveways have blind intersections, with vehicles frequently backing into the road in reverse. Please also comment with a quantitative analysis on safety of design at full Emergency Access traffic loading in an Evacuation Scenario with all Access gates open.

“2) The project is forecasted to increase the ADT on Mountain Ridge Road from the current 160 ADT to 1,190 ADT. While this is a high percentage increase, an ADT of 1,190 ADT is only about 2 cars per minute during peak periods, and this amount would not significantly contribute to any safety issues along the roadway.”

As we have commented in DEIR Subchapter 2.3 Traffic, there is required substantiation from the County on why the build out Project traffic estimate on Mountain Ridge changed from 2260 ADT to 1190 ADT. The County has yet to explain where the reduced 1070 ADT traffic load went to. The only conclusion supported by facts is that in reality, Project traffic loads are considerably higher than the as yet unsupported 1190 ADT.

The County has again not assessed Hazards at Emergency/Evacuation traffic loading.

THERE ARE SIGNIFICANT HAZARDS WHEN QUANTITATIVE FACTORS ARE OBJECTIVELY ANALYZED

“3) The presence of several vertical curves was described in Item 1) above. There are no horizontal curves on the roadway, nor are there any slopes, walls, or barriers that could cause conflicts. Therefore, no issues are expected due to this item.”

When a structured quantitative analysis is performed, the more appropriate statement is: IS A SAFETY HAZARD. Please answer why an analysis of the many driveway/road intersections obscured by trees and other landscaping were not analyzed.

“4) Table on the previous page shows County private road standards for various roadway types depending on the level of ADT served by the roadway. Two columns were added to the Table. The first is an indication of each of the measurable criteria for Mountain Ridge Road. As can be seen, Mountain Ridge Road meets the standards of a 751-2,500 ADT road in all cases except for

the vertical design speed. Since Mountain Ridge Road currently has design features, namely several vertical curves, that may affect the movement of users (#1) and does not fully conform to County private road standards (#4), it is concluded that a potentially significant impact could occur in terms of roadway hazards. The improvements being made to the existing Mountain Ridge Road are to widen the paved width from 20 feet to 24 feet, as well as lengthening one of the vertical curves to increase the minimum design speed from 5mph to 15 mph.”

We take issues with several statements made here. First of all, the County has not performed a Hazards Analysis against Private Road Standards consistently. This “table” does not analyze conformance with Sight Distance Lines at Intersection with Public Roads. Mountain Ridge Road as proposed does not meet Sight Distance Line requirements at the intersection with Circle R Drive Public Road.

Another interesting “oh, by the way” disclosure in Table 7.2 of the TIS is the fact that the Project proposes grading improvements on Parcels 129-300-31 and 129-300-36 to lengthen vertical curves. Please **provide evidence that there is adequate Project rights for construction of these improvements, including temporary encroachment permissions for construction that enable continued use of the road by Residents during construction.**

CONCLUSION

A REASONABLE AND UNBIASED EVALUATION FINDS THAT THERE IS A SIGNIFICANT HAZARD SHOULD ROAD EXEMPTION # 7 MOUNTAIN RIDGE REDUCED DESIGN SPEED RECEIVE APPROVAL. APPROVAL SHOULD BE DENIED FOR ALL ROAD STANDARD DESIGN EXCEPTIONS.

COMMENT III - 4.1.9 Mountain Ridge Fire Station Public Road Alternate –THE COUNTY SHOULD NOT CONSIDER THIS ALTERNATE FEASIBLE.

The Deer Springs Fire Protection District (DSFPD) does not accept this location as a solution for Fire Service for the Project, and has stated so in its June 2014 Public meeting, which is recorded in the meeting minutes (Attachment 2).

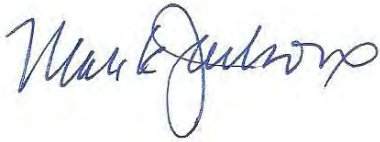
This Alternate is being proposed by the County to provide the logic for taking Right of Way Rights via County Condemnation proceedings from private citizens to enable the Project to construct an Access Road in compliance with Road Standards and also to provide Pipeline Access to the Lower Moosa sewer facility.

This Alternate does not meet the requirements of Board Policy J-33, since it proposes encroachment on three residential structures and does not meet other J-33 requirements.

Conclusion

ALTERNATE 4.9 MOUNTAIN RIDGE FIRE STATION PUBLIC ROAD ALTERNATE IS NOT FEASIBLE AND SHOULD BE ELIMINATED AS AN ALTERNATIVE TO THE PROJECT.

Sincerely,

A handwritten signature in blue ink that reads "Mark Jackson". The signature is fluid and cursive, with the first name "Mark" and last name "Jackson" clearly distinguishable.

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Att 1 Ltr. 8-19-13 Project Alternatives
Att 2 Deer Springs Fire District Minutes

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Subject: DEIR Public Comment to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001(GPA), PDS2012-3810-12-001 (SP), Draft Environmental Impact Report (DEIR) **Project Alternatives**

Dear Mr. Slovick:

This firm represents Heart of Valley Center, a California Non-Profit Corporation. On its behalf, we offer the following comments on the Alternatives Section of the Lilac Hills Ranch DEIR.

By way of brief summary, the DEIR Project Alternatives Analysis in Chapter 4 of the Lilac Hills Ranch DEIR is grossly defective in meeting CEQA requirements.

The biased DEIR "Objectives" (See Attachment "A", August 16, 2013 Comment Letter from Mark Jackson) have led to the selection of a limited number and scope of alternatives that have been subjected to minimal to modest levels of comparative analysis. The failure to identify at least one, if not two, off-site Alternatives for comparative analysis is a fatal legal flaw and indicative of the overall bias in the DEIR towards building The Project in only one location.

In addition, and equally as fundamental to an adequate Alternatives analysis, the DEIR fails to accurately and fairly identify and evaluate significant environmental impacts. For example, impacts upon agricultural resources have been mischaracterized and understated. Traffic impacts have also been significantly understated. The DEIR

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needs to be completely revised with emphasis upon accurate impact analysis and then a responsive and meaningful selection of project Alternatives should be presented for specific comparative analysis.

Heart of Valley Center, as well as the communities of Bonsall and Valley Center, support the General Plan Consistent Alternative as the proper land use density and zoning for this Project. The 110 unit residential density with A70 zoning is the maximum density land use that the Circulation Element Road Network will support without Direct Development Impact.

The proposed 110 unit semi-rural General Plan Consistent Alternative is consistent with the overall Land Use design for the Valley Center Planning Area that is the regional basis of the August 3, 2011 San Diego County General Plan. This design locates Village density growth in the North and South Villages of central Valley Center where existing infrastructure is available to accommodate the region's share of San Diego County future growth.

A. The DEIR Impermissably Fails To Identify And Compare Off-Site Alternatives

The Lilac Hills Ranch Project Alternatives from Section 4.0 are:

1. No Project/No Development Alternative
2. No Project / Existing Legal Lot Alternative (49 EDU + no commercial)
3. General Plan Consistent Alternative (110 EDU + no commercial)
4. Reduced Footprint Alternative (1251 EDU + 6 acres of commercial)
5. Reduced Intensity Alternative (881 EDU + 5.6 acres of commercial)
6. 2.2C (Hybrid) Alternative (1365 EDU + 15.3 acres of commercial)

The Alternative Location Section 4.1.1.1 contains the equivalent of a "card trick" by taking Objective 1 ("Develop a community within northern San Diego County..."(DEIR 1.1)) and redefining it as building the project only on 600 acres in the "Valley Center-Bonsall area". This recasting of project Objective 1 then leads to a summary dismissal of alternate project sites and a failure to adequately analyze alternate project sites.

When a project seeks to change a site's land use designation as the LHR Project does, consideration of alternative sites is particularly important. A "proposed change in allowed uses raises a policy question of whether the site is appropriate for the new use." Kostka & Zischke, *Practice Under the California Environmental Quality Act* §15.26 at pp. 759-760 (March 2013 Update). At a minimum, resolution of this question depends on a comparison of the advantages and disadvantages of the project site with other sites that are already actually designated for the proposed use. See e.g., *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1179. Under these circumstances, the County as the lead agency should require an evaluation of alternative sites.

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The CEQA Guidelines outline three issues lead agencies should consider when screening potential alternative sites for inclusion in the EIR. See 14 Cal. Code Regs. §15126.6(f)(2): (1) Whether any of the project's significant impacts would be avoided or substantially lessened by locating the project elsewhere-this includes locations which are environmentally superior to the project site; (2) When a lead agency concludes that no feasible alternative locations exist, it should include its reasons in the EIR; (3) The agency should determine whether alternative locations have been sufficiently analyzed in a previous document.

Specific nonexclusive factors agencies may consider when assessing the feasibility of alternative sites include: site suitability, economic viability, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, whether the project proponent already owns the project site and whether the project proponent can acquire, control or have access to the site if it does not own it. 14 Cal. Code Regs. §15126.6(f)(1); *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576. None of these factors, taken in isolation, sets a limit on the scope of reasonable alternatives to be considered in the EIR. 14 Cal. Code Regs. § 15126.6(f)(1).

Employing the foregoing CEQA authority and factors, there are multiple alternative off- site locations appropriate for detailed analysis and comparison. For example, there are hundreds of acres of land immediately adjacent to the existing North and South Villages of Valley Center which under the County general plan and the Valley Center Community Plan could accommodate the number of housing units proposed by the Applicant without a general plan amendment. There is room for related commercial development and there is infrastructure in place to support the growth which is contemplated under both the County of San Diego and Valley Center Community Plans.

In addition, the DEIR authors need to evaluate the Escondido Downtown Specific Planning Area for at least one alternative project site. Specifically, the City of Escondido **SINCE 2007** has been developing an infill redevelopment mixed use Downtown Specific Plan Area (SPA) less than 14 miles south from the proposed Lilac Hill Ranch project. The Escondido Downtown SPA has a (City of Escondido) General Plan build-out Equivalent Dwelling Unit increase (EDU) of 5,275 EDU plus additional mixed use commercial uses.

Unlike the Accretive Project, a Downtown 1,746 EDU Escondido Equivalent Project would **meet Smart Growth and LEED-ND location requirements**. It would be an infill development with requisite infrastructure and **truly within walking distance of the Escondido Transit Center** which has access to the Sprinter Train as well as being a hub for North County and Metropolitan Bus lines. Additionally, this location is less than a mile from access to I-15.

The 1,746 EDU Escondido Equivalent Project would benefit from neighboring, existing medical, school, fire and police facilities, and very importantly, from Circulation Element Roads and mass transit. The Air Quality and Greenhouse Gas impacts of

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siting the project in Downtown Escondido are orders of magnitude less than the proposed project site in rural greenfield agricultural lands.

Impacts on Biology, Agriculture, and Community Character would be non-existent. The Escondido Downtown SPA easily accommodates a project of equivalent size to the proposed Lilac Hills Ranch project and is consistent with both the City of Escondido General Plan and the County of San Diego General Plan.

The Escondido Downtown SPA also provides a more viable solution for senior living facilities, including Assisted Living, because it is within two miles from the two Palomar Hospitals and major medical facilities.

The Downtown Escondido Interim SPA document is available at the following link, and is included with this letter as Attachment "B".
<http://www.escondido.org/Data/Sites/1/media/pdfs/Planning/DowntownSpecificPlan.pdf>

Please also compare the Escondido Downtown SPA level of specificity and completeness of design to that of the Accretive Lilac Hills Ranch Specific Plan. The Escondido Downtown SPA is more complete than the Accretive Lilac Hills Ranch Specific Plan and can be efficiently analyzed as a project alternative in a revised DEIR.

The Final Downtown Escondido Specific Plan Area was approved by the Escondido City Council on August 7, 2013. Building in this area would embody the quintessential "Smart Growth" goals and policies of the San Diego County General Plan.

Infill development is recognized County wide as the ideal path towards meeting housing needs and avoiding and/or reducing a wide range of serious impacts on the environment. In the context of the proposed Lilac Hills project, building the project within the Downtown Escondido Specific Plan area will not require a far reaching set of amendments to the County General plan. This advantage needs to be addressed in the Alternatives Section of the DEIR as well as in the General Plan/Community Plan Consistency analysis in the revised DEIR.

The revised DEIR should also include a review of the region wide benefits of focusing development in existing cities as opposed to rural unincorporated areas. In this regard, please review and address the findings in Attachment "C" entitled, "An Alternative Development Scenario for San Diego County" a report dated June 9, 2010, prepared on behalf of the Cleveland National Forest Foundation by Larry Orman, Executive Director of GreenInfo Network (Appendices to the report are not included in this attachment).

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B. The Reduced Footprint, Reduced Intensity, and 2.2 C Hybrid are not valid Alternatives

These three “Alternatives” are mere generalized density variations of the Project. There is no explanation of how the footprint variations between and amongst the Alternatives were determined. This is very important. What were the considerations for example in the locations and mix of homes in the Reduced Footprint Alternative (Alternative 5)? There is no mapping of lot locations so all the public knows is the proposed number of units—floating somewhere on the project site.

An EIR must contain sufficient information about each alternative to permit an evaluation of the alternatives’ and the project’s relative merits. 14 Cal. Code Regs. § 15126.6(a). The analysis must contain enough concrete information about each alternative to allow a fact-based comparison of the alternatives with the project. 14 Cal. Code Regs. §15126.6(d). An EIR should “explain in meaningful detail” a range of alternatives to the proposed project. *Laurel Heights Improvement Association v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 406.

The DEIR lacks fact-based comparison, meaningful detail and concrete information. For example, the absence of rationale for alternative designs and the comparative details on actual impacts leads to material questions in almost all the impact categories.

Why, for example, are there no senior residences in Alternative 5? Would not traffic generation be reduced by building single family senior homes versus standard single family homes?

Why is there no “Single Family Attached” housing in the Reduced Footprint Alternative (Alternative #4) when, naturally, more attached units can be built on less acreage?

How can the water reclamation be exactly the same for all of these alternatives?

Why are only 40 extra acres of sensitive biological resources preserved under Reduced Intensity Alternative (#5) when the number of residential units is cut by half?

What is meant by “Circulating Road” versus “Non-Circulating Road”? What explains the similar “Non-Circulating Road Impacts” for these three alternatives—even the Reduced Intensity Alternative (#5)?

Importantly, there is evidence (see letter dated August 6, 2013 from Kevin K. Johnson APLC) that the project applicant does not have road easement rights and line of sight conditions that will allow the project to be built. Do any of these Alternatives present road infrastructure needs that don’t require the subject easements and lines of site?

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Are any of these Alternatives actually feasible given the road easement and line of sight issues as well as the lack of sewer and recycled water line easements addressed under separate cover? (See July 31, 2013 comment letter from resident Mark Jackson.)

Will each of these Alternatives require the 10 Exemptions from County Road Standards being requested by the Applicant but not disclosed in the DEIR? How can the need for some or all of these exemptions be avoided by each Alternative?

Also, the “comparative analysis” within the Alternatives Section of the DEIR seems to assume that there are linear mathematical consequences for each increment of increased traffic. This is an over simplification and is misleading.

The failure of DEIR Table 4-1 to compare actual ADT numbers between the various alternatives is unjustifiable. For the table to actually help the public and the decisionmakers to understand the traffic impacts between and amongst all six alternatives, the ADT numbers need to be presented and the variations carefully discussed.

DEIR Table 4-1 should also include numbers on the Green House Gas impacts of the project and the alternatives once said numbers are actually developed. (See correspondence from Shute, Mihaly and Weinberger dated August 19, 2013 on the inadequate GHG analysis in the DEIR)

How can the Reduced Footprint Alternative (#4) require the exact same amount of “Manufactured Slopes” as the Project itself? Similarly, how does the Reduced Intensity Alternative footprint, have just 2.5 acres less manufactured slopes than the project itself (65 vs 67.5)?

Why is there not more “Common Areas/Agriculture” acreage under the Reduced Footprint Alternative? Is there a feasible redesign that could preserve more agricultural land? Also, please break down the acreage between “Common Areas” vs “Agriculture”.

Table 1 below submitted by Heart of Valley Center displays all of the information provided in the DEIR (with the exception of a one page map provided for some of the Alternatives) for the Project and Alternatives four through six.

Table 1 –Limited Information of 3 Alternatives

Land Use	Project		Reduced Footprint		Reduced Intensity		2.2 C (Hybrid)	
	Gross Acreage	Units/Sq. Ft.	Gross Acreage	Units/Sq. Ft.	Gross Acreage	Units/Sq. Ft.	Gross Acreage	Units/Sq. Ft.
Single Family Detached	158.8	903	142.1	783	275.5	881	177.0	792
Single Family Senior	75.9	468	71.1	468	0		75.9	468
Single Family Attached	7.9	164	0		0		4.3	105
Commercial/Mixed Use	15.3	211	6.0		5.6		15.3	
Water Reclamation	2.4		2.4		2.4		2.4	
RF/Trailhead	0.6		0		0.6		0.6	
Detention Basin	9.4		5.4		5.5		5.5	
School Site	12.0		9.0		0		12.0	
Private Recreation	2.0		0		0		2.0	
Group Residential/Care	6.5		0		0		6.5	
Institutional	10.7		10.7		10.7		10.7	
Park - HOA	11.8		10.0		3.0		11.8	
Park - Dedicated to County	12.0		6.0		9.0		12.0	
Biological Open Space	103.6		168.8		102.7		103.6	
Non-circulating Road	45.7		45.7		41.5		43.1	
Circulating Road	37.6		37.6		21.5		30.0	
Common Areas/Agriculture	20.2		20.2		65.0		45.0	
Manufactured Slopes	67.5		67.5		65.0		50.0	
Other/Accretive Math Error*	8.1		5.5		0		0.3	
Total	608.0	1746	608.0	1251	608.0	881	608.0	1365

* Table 4-1 from DEIR Chapter 4 Project Alternatives has the indicated arithmetic errors in gross acreage

sq. ft. = Square

HOA = Homeowner's

The Applicant's information here has multiple math errors (refer to Attachment "D" – Table 4-1 from DEIR Chapter 4 Project Alternatives). Alternatives four and six did not even specify lot locations. These deficiencies need to be corrected.

DEIR Table 4-1 will need to be augmented in a revised DEIR with other significant impact areas, including noise, agriculture, greenhouse gases and fire/public safety. Definitions of each of the land use categories should be provided (for example what is the definition of Commercial/Mixed use?) The table, or a separate table, should compare mitigation measures associated with the various Alternatives.

Similarly, DEIR Table 4-2 is not useful as an analytical and comparative tool because the categories of "Less", "Similar", and "Greater" are too general and qualitatively and quantitatively undefined. How much "Less" and how much "Greater" are appropriate issues to be analyzed.

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C. The Project Itself Does Not Meet All of the Objectives

Table 2 below submitted by Heart of Valley Center rates scoring of Alternatives **against the Applicant's biased eight Objectives**. The three variant Alternatives are scored the same as the Project, except for the 2.2C Hybrid Alternate. The 2.2 C Hybrid Alternate includes Senior Housing, so it scores one Objective higher than the other two. The Downtown Escondido Specific Plan is included in this chart for comparison purposes.

TABLE 2 - COMPARISON TO PROJECT OBJECTIVES

Objectives	Project	Alternates						
		Downtown Escondido SPA	No Project/No Development	No Project/Legal Lot	General Plan Consistent	Reduced Footprint	Reduced Intensity	2.2 C Hybrid
1 - Develop a community within northern San Diego County in close proximity to a major transportation corridor consistent with the County's Community Development Model for a walkable pedestrian-oriented mixed-use community	No	Yes	No	No	No	No	No	No
2 - Provide a range of housing and lifestyle opportunities in a manner that encourages walking and riding bikes, and that provides public services and facilities that are accessible to residents of both the community and the surrounding area	No	Yes	No	No	No	No	No	No
3 - Provide a variety of recreational opportunities including parks for active and passive activities, and trails available to the public that connect the residential neighborhoods to the town and neighborhood centers	Yes	Yes	No	No	Yes	Yes	Yes	Yes
4 - Integrate major physical features into the project design, including major drainages, and woodlands creating a hydrologically sensitive community in order to reduce urban runoff	No	Yes	No	No	No	No	No	No
5 - Preserve sensitive natural resources by setting aside land within a planned and integrated preserve area	Yes	N/A	No	No	Yes	Yes	Yes	Yes
6 - Accommodate future population growth in San Diego County by providing a range of diverse housing types, including mixed-use and senior housing	Yes	Yes	No	No	No	No	No	Yes
7 - Provide the opportunity for residents to increase the recycling of waste	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
8 - Provide a broad range of educational, recreational, and social uses and economically viable commercial opportunities within a walkable distance from the residential uses	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Total Number of Objectives Met	5/8	7/8	2/8	2/8	4/8	4/8	4/8	5/8

Clearly, the Downtown Escondido Specific Plan area meets the project objectives better than The Project and the "Alternatives".

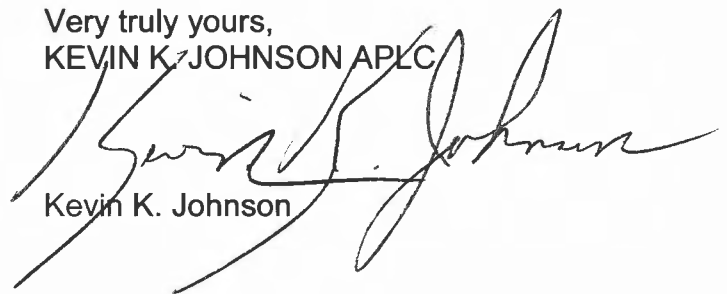
August 19, 2013

D. Summary and Conclusion

The Alternatives section must provide information sufficient to allow an informed comparison of the impacts of the project with those of the alternatives. *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 733. In the absence of analysis of an alternative site and in view of the many identified inadequacies in the alternatives discussion, the DEIR needs to be rewritten and recirculated for public review and comment.

All significant impacts need to be identified and thoroughly analyzed with detailed attention to avoidance and mitigation measures. The project objectives should be revised to avoid obvious bias towards the Project. A new Alternatives Section needs to be developed consistent with actual impacts and the selection of Alternatives that meaningfully avoid or materially reduce the subject impacts. Impact variations under the new Alternatives Section should be detailed and carefully analyzed.

Very truly yours,
KEVIN K. JOHNSON APLC



Kevin K. Johnson

Reference A: Escondido Downtown Interim Specific Plan Area

<http://www.escondido.org/Data/Sites/1/media/pdfs/Planning/DowntownSpecificPlan.pdf>

Attachment A - DEIR Project Objective Issues letter dated August 16, 2013

Attachment B – Escondido Downtown Interim Specific Plan

Attachment C - "An Alternative Development Scenario for San Diego County" a report dated June 9, 2010, prepared by Larry Orman, Executive Director of GreenInfo Network

Attachment D - Table 4-1 from DEIR Chapter 4 Project Alternatives

cc: Claudia Anzures, Esq.
Mark Mead, Esq.



**DEER SPRINGS FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS MEETING**

JUNE 11, 2014

2:00 P.M.

MINUTES

1. CALL TO ORDER, ROLL CALL

President Geiser - Present

Vice-President Tebbs – Present

Secretary/Treasurer Osby – Present

Director Slaughter-Present

Director Sealey – Present

Also present –Legal Counsel and District Administrator Liz Heaton

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by President Geiser.

3. ADOPTION OF AGENDA

Director Tebbs moved to adopt the agenda, Director Slaughter seconded the motion. **Motion approved; 5-0, 5 Ayes; 0 Noes; 0 Absent; 0 Abstain.**

4. PUBLIC COMMENTS PERIOD-None

5. CONSENT CALENDAR

1) Approval of Minutes –May 14, 2014

2) Acceptance of May Finance Report-CA. Bank & Trust, General, Capital/Reserve, and Mitigation accounts.

3) Acceptance of May Monthly Mercy Medical Transports

Director Tebbs moved to adopt the consent calendar, Director Sealey seconded the motion. **Motion approved; 5-0, 5 Ayes; 0 Noes; 0 Absent; 0 Abstain**

6. COMMITTEE REPORTS

- a. Lilac Hills Ranch Development-Directors Geiser and Slaughter. Chief Amestoy submitted the FPP with no demand or influence in regards to Mountain Ridge Road improvements. The Board of Directors and guest request a copy of the correspondence sent to the County regarding the FPP. The revised REIR has been released to the public and is available for review on the County website. The Board of Directors will comment on the revised REIR by due date of July 28, 2014. Director Geiser will request from Chief Amestoy his comments and present at the July meeting. The Board of Directors continues to reiterate we cannot meet the 5 minute response time per the General Plan and will service the project within their ability. The developer continues to reference Miller Station, this is a State station not a District station. In the General Plan it states fire stations must be staffed year-round, publicly supported, and committed to providing service. These do not include stations that are not obligated by law to automatically respond to an incident.

Director Sealey made a motion for our legal counsel to provide definition with respect to the levels of service per the General Plan; 1. What does it mean to be committed to providing service? 2. What does it mean to not be obligated by law to respond to an incident? Director Tebbs seconded the motion. **Motion approved; 3-2, 3 Ayes; 2 Noes, Directors Osby and Slaughter; 0 Absent; 0 Abstain**

- b. Review of Bylaws-Directors Sealey and Tebbs-Revise Article 6

Director Sealey presented to the Board a copy of Article 6 with revisions and Policy G01, Chief Duties and Responsibilities and G02, District Administrator Duties and Responsibilities for review. These policies will be presented at the July meeting for discussion and approval. Director Sealey made a motion to adopt Article 6 of the Bylaws as revised and presented; Director Osby seconded the motion, **Motion Approved 5-0, 5 Ayes; 0 Noes, 0 Absent; 0 Abstain.**

- c. District Annual Report FY 2014/2015- No report

- d. Deer Springs Fire Vegetation/Public Nuisance Abatement Program-Directors Osby and Slaughter

The Board of Directors agreed to delete the reference to the \$25.00 fee from Ordinance 2002-03; Section 5.

7. **CHIEF'S REPORT**- No verbal report, Chief Amestoy was on vacation. A copy of this report is available in the District Office.

8. **FIRE SAFE COUNCIL REPORT**- A chipping day is scheduled for July 9, for high risk area. Please contact Craig Cook for more information.

9. UNFINISHED BUSINESS

- a. Final Budget FY 2014/2015 Approval

Director Slaughter made a motion to approve FY 2014/2015 Final Budget; Director Tebbs seconded the motion, **Motion Approved 5-0, 5 Ayes; 0 Noes, 0 Absent; 0 Abstain.**

- b. Emergency Access Easement for the District-David Bright & Robert Fougner-No Report

July 8, 2014

To: Mark Slovick, Project Manager
County of San Diego Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123
Mark.Slovick@sdcounty.ca.gov
[\(858\) 495-5172](tel:(858)495-5172)

Subject: Revised DEIR Public Comments Regarding Cumulative Impacts, and DEIR Chapter 2 and 3 Cumulative Impacts, Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001(GPA), PDS2012-3810-12-001 (SP).

Dear Mr. Slovick:

Attached are the August, 2013 Public Comments regarding Lilac Hills Ranch Cumulative Impacts.

The REIR factually did not directly respond to each of the items and failed to adequately respond to the issues raised in this letter.

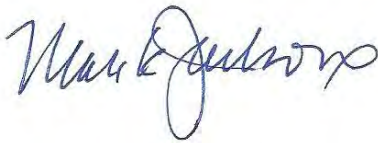
For example, specific questions were asked regarding Land Use Planning and Utility Services and were not directly and completely answered in the RDEIR.

Specifically, the REIR did not provide an answer to the questions raised on every questioned element of the attached Cumulative Impact Comment letter.

Published County policies and specific assurance from County Staff have clearly stated that all August 2013 DEIR comments if resubmitted, will be responded to. Therefore, respond to each specific issue raised in the attached letter as part of the County's Response to Public Comments for the revised DEIR.

.

Sincerely,



Mark Jackson
9550 Covey Lane
Escondido, CA 92026
760-731-7327
jacksonmark92026@gmail.com
Attachment

August 15, 2013

To: Mark Slovick, Project Manager
County of San Diego Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123
Mark.Slovick@sdcounty.ca.gov
[\(858\) 495-5172](tel:(858)495-5172)

Subject: DEIR Public Comment to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001(GPA), PDS2012-3810-12-001 (SP), DEIR Chapter 2 Analysis of **Cumulative Impacts** of the proposed Lilac Hills Ranch (LHR) Project

Dear Mr. Slovick:

By way of brief summary: A) the County has asserted that all Environmental Impact areas assessed in Chapter 3 of the proposed LHR Project DEIR are either less than significant or can be mitigated to less than significant. We disagree with the County's unsupported conclusions, and submit that five of the seven areas involve **Significant Environmental Impacts**; B) Several of the impacts addressed in Chapter 2, Findings of Significant Environmental Impact, are not properly analyzed in terms of avoidance and mitigation options and requirements; and C) As a result of the deficiencies in Chapters 2 and 3, the so-called cumulative impacts analysis in each of the respective impact sections is inadequate and functionally meaningless.

A. Chapter 3 - Findings of Less than Significant Environmental Impacts

3.1.2 Greenhouse Gases (GHG) – Evidence presented disagrees strongly with the finding of Less than Significant reached in the DEIR analysis of GHG impacts.

As the Cleveland National Forest Foundation has elaborated in great detail in the GHG Public Comments authored by Shute, Mihaly, & Wineberger on August 19, 2013, the LHR Project GHG analysis is deficient and inadequate; the County must find **Significant Impacts** in the area of GHG.

As a consequence of a finding of Significance, a Cumulative Impact assessment **must** be performed and **was not** performed.

3.1.3 Hydrology and Water Quality – Evidence presented disagrees strongly with the conclusions on the finding of Less than Significant reached in the DEIR analysis of Hydrology and Water Quality impacts.

As demonstrated with evidence in the July 31, 2013 "Water Quality and Related Impacts" Public Comments letter, the proposed LHR Project has several Significant Environmental Impact issues with Hydrology and Water Quality. As the facts

demonstrate, the County must find **Significant Impacts** in the area of Hydrology and Water Quality.

As a consequence of a finding of Significance, a Cumulative Impact assessment **must** be performed and **was not** performed.

3.1.4 Land Use Planning – Evidence presented disagrees strongly with the conclusion of finding less than Significant Impacts reached in the DEIR analysis of Land Use Planning.

As demonstrated with evidence in the August 13, 2013 “General Plan Consistency” Public Comments letter, the proposed LHR Project has a multitude of Significant Environmental Impact issues with Land Use Planning. As the evidence in the letter demonstrates, the County must find **Significant Impacts** in the area of Land Use Planning.

As a consequence of a finding of Significance, a Cumulative Impact assessment **must** be performed and **was not** performed.

3.1.5 Public Services - Evidence presented disagrees strongly with the conclusion of finding less than Significant reached in the DEIR analysis of Utilities and Service Systems.

As demonstrated with evidence in the August 11, 2013 “Fire Protection Plan, Evacuation Study, and DEIR Chapter 2.7 Hazard” Public Comments letter, the proposed LHR Project has multiple Significant Environmental Impact issues with Fire Protection and Evacuation. As the facts demonstrate, the County must find **Significant Impacts** in the area of Public Services.

As a consequence of a finding of Significance, a Cumulative Impact assessment **must** be performed and **was not** performed.

3.1.7 Utilities and Service Systems – Evidence presented disagrees strongly with the conclusion of finding less than Significant reached in the DEIR analysis of Utilities and Service Systems.

As demonstrated with evidence in the July 31, 2013 “Water Quality and Related Impacts” Public Comments letter, the proposed LHR Project has several Significant Environmental Impact issues with Waste Water Treatment. As the facts demonstrate, the County must find **Significant Impacts** in the area of Utilities and Service Systems.

As a consequence of a finding of Significance, a Cumulative Impact assessment **must** be performed and **was not** performed.

In summary, of the seven areas assessed by the County in DEIR Chapter 3 as having Less than Significant Environmental Impacts, **five areas** have evidence that require

finding of **Significant Impacts** AND GENERATION OF CUMULATIVE IMPACT ASSESSMENT ANALYSES.

Given the overwhelming body of evidence that supports these findings of Environmental Significance, and the County's failure to address the Impacts in a Cumulative Impacts analysis, it is requested that the County revise its DEIR to reflect the evidence and recirculate it for Public Comment.

B. Chapter 2 - Findings of Significant Environmental Impacts

The analyses of Cumulative Impacts as presented in Chapter 2.0 "Significant Environmental Effects" are discussed for each area examined in Chapter 2.

2.1.3 Visual Resources Cumulative Impacts – We concur with the County's assessment that "Cumulative visual impacts would remain significant and unavoidable," especially in light of the very minimal mitigation the LHR Project proposes. Planting a few trees doesn't blot out the scars from 4 million cubic yards of grading that drastically and irreversibly alters the scene scape.

2.2.3 Air Quality Cumulative Impacts – We concur with the County's assessment that there are severe cumulative Environmental Impacts and the proposed mitigation will not reduce adverse Environmental Impacts from this proposed Urban Sprawl Commuter community located far from services and employment.

We agree that "the project would result in a cumulatively considerable net increase in emissions, representing a **cumulatively significant impact. (Impact AQ-5).**" The mitigation offered whereby the Applicant offers to observe County regulations when conducting Blasting Operations is acceptable. However, to conclude that "implementation of M-AQ-5 would reduce direct and cumulative significant construction related impacts to less than significant" is an unsubstantiated assertion. The Construction process has many component parts. In addition to Blasting all need to be discussed before evidence is provided that the mitigation is effective. Merely watering down the Blast site before detonation is inadequate to mitigate all Construction impacts to less than Significant.

We agree that: "In combination with the emissions of pollutants from other proposed projects or reasonably foreseeable future projects, impacts would be **cumulatively significant (AQ-6).**" The pedantic mitigation whereby the Applicant offers to generously develop a Green Cleaning Product education program has the functional utility of rearranging deck chairs on a sinking ship. The Significant Environmental Impact remains after this ineffective attempt at mitigation.

2.3.3 Traffic Impacts Cumulative Impacts – The evidence presented in the Darnell and Associates Independent Expert Review of Traffic submitted as Public Comments on August 16, 2013 presents evidence of **Significant Cumulative Impacts** that have not been mitigated.

2.4.3 Agricultural Resources Cumulative Impacts – The assertion that all Cumulative Agricultural Impacts can be reasonably mitigated to less than Significant has no evidence that supports it. On the contrary, the Cleveland National Forest Foundation Public Comments authored by Shute, Mihaly, & Wineberger on August 19, 2013 present factual evidence that the Agricultural Cumulative Impacts remain **Significant**. A summary of the Agricultural evidence provided is in the next three paragraphs.

For many of the same reasons that the DEIR's analysis of Project-specific impacts is deficient, its analysis of cumulative impacts is also insufficient. For example, the DEIR again relies on the LARA model's faulty analysis to conclude that, because the Project allegedly will not impact an important agricultural resource, it cannot possibly contribute to a significant cumulative impact. DEIR at 2.4-21. This is absurd for all of the reasons detailed above, and for the additional reason that the Project will directly impact more than 40 acres of Prime Farmland or Farmland of Statewide Importance; thus, even impacts on only this type of farmland contribute to a significant cumulative impact.

The DEIR's analysis is also internally inconsistent. After first determining that the Project will not contribute to a cumulative impact, the DEIR then analyzes cumulative impacts anyway, and determines that "significant cumulative indirect impacts could occur." DEIR at 2.4-22. Such inconsistent reasoning and analysis thwarts CEQA's fundamental purpose to inform the public and decision makers and is in itself a CEQA violation.

Regardless, the DEIR's analysis is faulty for substantive reasons as well. First, the DEIR attempts to show that the Project's conversion of hundreds of acres of productive farmland is insignificant by comparing it to the loss of farmland statewide, as opposed to regional, or community-wide losses. DEIR at 2.4-22. It thus bases its finding of insignificant cumulative impacts on this County-wide analysis, even though it admits that the Project represents 58% of the potential impacts to Important Farmland within the cumulative study area. *Id.* The DEIR may not artificially minimize the Project's apparent impacts by ignoring the document's selected cumulative impact study area and "watering down" the Project's impact by comparing them to a vastly larger area. As the DEIR recognizes, the County requires agencies to analyze cumulative impacts by looking at impacts caused by other projects in the cumulative study area. DEIR at 2.4-21; see also Guidelines § 15130(b)(3) (agencies must define a relevant cumulative study area in which they analyze cumulative impacts). Here, the cumulative study area consists of a few thousand acres surrounding the Project site, not the entire County. DEIR at 2.4-22. Within this study area, the Project will unquestionably make a cumulatively considerable contribution to a significant cumulative impact on agricultural resources. The DEIR's conclusion to the contrary is not supported by substantial evidence.

2.5.3 Biological Resources Cumulative Impacts – The County assesses the Cumulative Environmental Impact in the five categories below as "potentially significant, contribute

to cumulative loss, add to the cumulative loss, and generally contribute to the cumulative loss.”

2.5.3.1 Special Status Species; 2.5.3.2 Riparian Habitat or Sensitive Natural Communities; 2.5.3.3 Jurisdictional Waters and Waterways; 2.5.3.4 Wildlife Movement and Nursery Sites; 2.5.3.5 Local Policies, Ordinances, Adopted Plans

Yet despite these descriptors that are not recognized CEQA analytical categories, somehow the cumulative impact is deemed by the Applicant to be less than Significant, despite the equivocal statements above.

How is this possible? The Applicant states without support that because the Project complies with applicable County, State and Federal policies that Significant Impacts are magically reduced to less than Significant.

The Applicant does not specifically provide evidence that the proposed LHR Project in fact complies with applicable County, State, and Federal policies that protect Biological Resources – the Applicant merely makes the unsupported assertion that the Project complies.

Is the statement “these plans and regulations are designed such that significant cumulative County impacts would be less than significant” sufficient evidence that the LHR Project does not have Significant Environmental Impacts?

Short answer – No! **Significant and Irreversible Impacts** to Biological Resources are incurred by the proposed LHR Project

2.6.3 Cultural Resources Cumulative Impacts – In this section, the County states:

“Therefore, because the proposed project and those projects within the cumulative impact study area are mitigated through the placement of cultural resources within open space, data recovery, curation, temporary fencing, and recordation, the proposed project would not cumulatively contribute to a significant impact.”

And then states two paragraphs later:

“Impact CR-1: Site CA-SDI-20436 does not meet the threshold of significance under RPO but it is a significant resource under CEQA. Because the site is not within the dedicated open space easement, there is the potential for significant direct and indirect impacts.”

So – the impacts are Significant, but they’re less than Significant because of what? A statement has been made in the DEIR at 2.6.3 that mitigation has been provided by locating all Cultural Resource sites in Open Space. And yet two paragraphs later, the DEIR identifies Site CA-SDI-20436 **outside** proposed LHR Project Open Space.

Due to lack of supported evidence of Impact CR-1 mitigation, the Environmental Impacts remain **Significant**.

2.7.3 Hazards and Hazardous Materials Cumulative Impacts – The County's analysis of Wildland Fires and Evacuation totally misses the architectural transportation flaw of this ill-conceived Community:

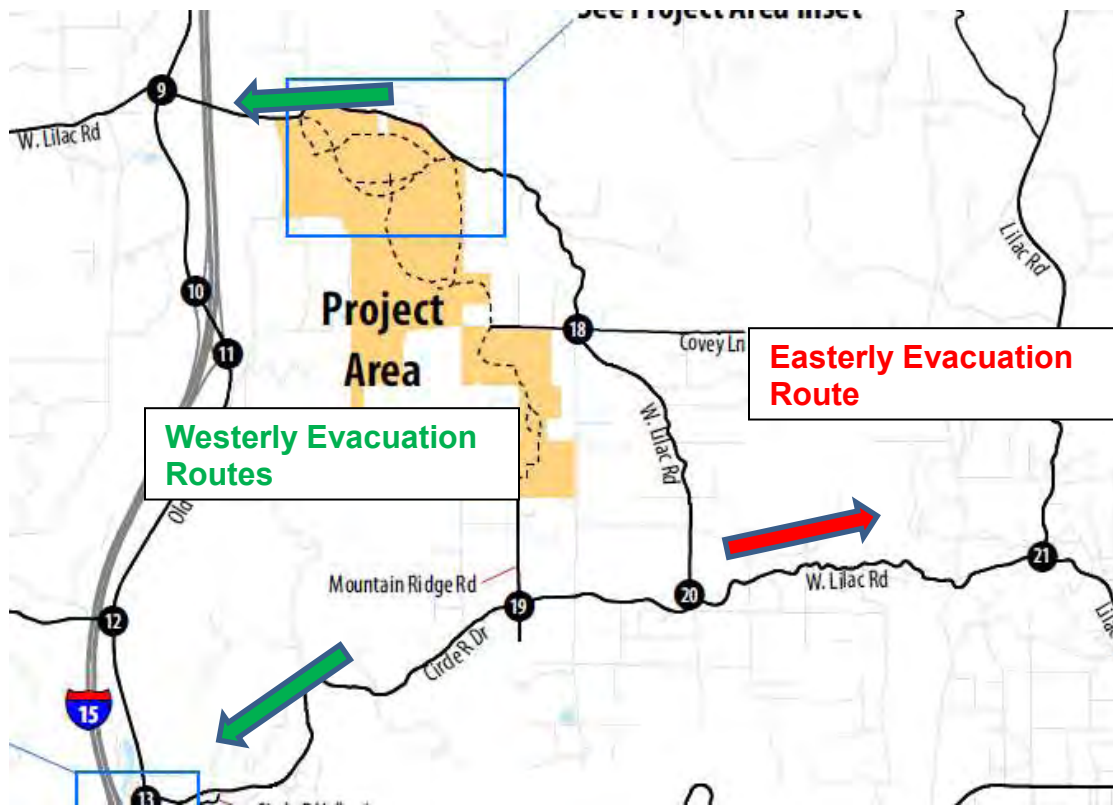
The Evacuation Plan does not address the most fundamental evacuation issue of the Proposed LHR Project – the limited number of roads for automobile evacuation of the 5185 residents of the proposed LHR Project when added to the cumulative impact of existing population that would be evacuating with trucks and trailers with livestock creates an unacceptable Safety Hazard.

The LHR Project has but two Public Roads that provide evacuation routes to the West: West Lilac Road to the north and Circle R Road to the South. Both are two lane rural Circulation Element 2.2 E roads for which **Accretive plans no upgrade**. Accretive is requesting exception to future County upgrade plans for portions of West Lilac Road to be **downgraded** from 2.2 C to 2.2 F capacity.

The LHR Project has but a single evacuation route to the East. That is the easterly section of West Lilac Road that connects to Lilac Road. It is a Circulation Element 2.2 E two lane rural road. The current “as built” configuration of this road does not meet current 2.2 E road design standards for certain design features, such as paved shoulder width, sight distance, design speed, curve radii, etc. In addition to the 5185 human in the LHR Project, this single evacuation route will also be used by the existing population for evacuation, leading to extreme Safety risks to human life.

Please refer to Figure 1 below that illustrates the proposed LHR Project Evacuation Routes:

Figure 1 – Westerly and Easterly Evacuation Routes



Wildland Fires and Evacuation is a LHR Project **Significant** Environmental that the County has not mitigated.

2.7.3 Noise Cumulative Impacts – The County identifies the following four Significant Noise Cumulative Impacts:

“2.8.4.4 Cumulative Impacts

Impact N-17: Traffic generated noise at off-site receivers adjacent to Covey Land and future Lilac Hills Ranch Road would increase significantly over existing conditions and would result in a significant cumulative impact.

Impact N-18: The project would place NSLUs in areas where the projected cumulative noise levels from road traffic could exceed the County’s exterior noise limits. This is a significant cumulative impact.

Impact N-19: Construction noise would result in noise events construction activity, including grading. If multiple construction operations occurred simultaneously, a significant cumulative impact would result.

Impact N-20: Construction noise would result in impulsive noise events from blasting. If multiple blasting operations occurred simultaneously, a significant cumulative impact would result.”

The County further discusses these Cumulative Impacts and potential mitigations:

“The project could result in a cumulatively considerable noise impacts associated with cumulative traffic (Impact N-17 and N-18), construction operations (Impact N-19) and blasting activities (Impact N-20). Implementation of mitigation measures M-N-1, 2, 11, and 12 would reduce cumulatively considerable noise impacts associated with construction and blasting to less than significant by assuring that multiple construction operations would not occur simultaneously with the project.

However, impacts associated with traffic increase would remain significant and unmitigated.”

By the County’s own admission, Cumulative Traffic Noise exceeds County standards and no mitigation is provided. Therefore, it remains a **Significant** unmitigated Environmental Impact.

C. The DEIR’s Analysis of Cumulative Impacts is Deficient

As a result of the above cited deficiencies, the cumulative impacts analysis in each impact section is inadequate and meaningless. By way of example, in the Agricultural Resources analysis, the DEIR inappropriately relies on the LARA model and concludes that, because the Project allegedly will not impact an important agricultural resource, it cannot possibly contribute to a significant cumulative impact. Once the DEIR accurately reflects and characterizes the significant impacts in the Agriculture area, there must be a related avoidance, mitigation and cumulative impacts analysis. The same need for a new and meaningful cumulative impacts analysis in the other impact sections will arise as soon as there are proper and supportable conclusions regarding actual impacts and avoidance and mitigation measures..

In conclusion, the DEIR needs to be rewritten to recognize a multitude of significant environmental impacts and to carefully address related avoidance and mitigation measures. These additions will then be the basis for meaningful cumulative impacts analysis. Once rewritten the DEIR should be noticed and circulated for public review and comment.

Sincerely,

Mark Jackson
9550 Covey Lane
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jacksonmark92026@gmail.com
760-731-7327

July 22, 2014

To: Mark Slovick, Project Manager
County of San Diego Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123
Mark.Slovick@sdcounty.ca.gov
[\(858\) 495-5172](tel:(858)495-5172)

Subject: Revised DEIR Public Comments Regarding the DEIR Executive Summary with regard to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001(GPA),PDS2012-3810-12-001 (SP).

Dear Mr. Slovick:

The following Public Comments pertain to the Executive Summary

Executive Summary Comment DEIR Paragraph S.3 **Areas of Controversy** page S-4 – Item 1 – Project’s ability to acquire legal Right of Way

THIS SECTION NEEDS THE ADDITION OF A FRANK AND SUCCINCT DISCUSSION OF THE PROJECT’S FACTUAL LACK OF LEGAL RIGHT OF WAY FOR ROADS, SEWER, AND RECYCLED WATER. FACTUAL AND QUANTITATIVE DISCUSSION NEEDS TO BE MADE PROMINENTLY APPARENT TO DECISION MAKERS ON HOW OFFSITE IMPROVEMENTS REQUIRED FOR THIS PROJECT WILL BE ACQUIRED. THERE ARE FACTUALLY 30 OR MORE RIGHT OF WAY ACQUISITIONS THAT PROJECT REQUIRES. THE PROJECT HAS MADE LITTLE PROGRESS IN FOUR YEARS ON ACQUIRING REQUIRED RIGHT OF WAY. IT IS HIGHLY LIKELY THAT THE USE OF EMINENT DOMAIN FOR A MINIMUM OF THIRTY AND LIKELY GREATER NUMBER OF SEPARATE TAKINGS OF UNWILLING PROPERTY OWNERS’ LAND OR INTEREST IN ROAD AND UTILITY EASEMENTS WILL BE REQUIRED TO MAKE THIS PROJECT FEASIBLE.

The County of San Diego has received hundreds of pages of factual information from multiple Attorneys that demonstrate the absence of legal rights for the Project’s intended use of private roads and right of way for Sewer and Recycled water utility pipelines.

The Valley Center Municipal Water District (VCMWD) has verified that the Project has proposed pipeline routes for which no legal right of way currently exists for Sewer and Recycled Water. To use the Project’s preferred Sewer and Recycled Water pipelines for this project, Eminent Domain taking of right of way is required. The Project’s Alternate 4 pipeline route is claimed by the Applicant to have full legal right of way. However, as pointed out in Chapter 3 Public Comments, this claim requires substantiation in the three areas questioned.

The County has taken the position that Private Road right of way disputes are between individual private parties. That said, the County of San Diego has certain knowledge that offsite road improvements for the Project will require right of way for at least thirty separate takings of unwilling property owners’ land or interest in road easements.

The County has been less than forthright in providing Public information on required right of way for Offsite Improvements for assessment of Environmental Impact. Provide the following information:

The County needs to disclose the following information so that impacts are identified and required Mitigation can be implemented.

A). Required Disclosure of Relevant Information regarding legal rights for construction of Off Site Improvements as well as how the Applicant intends to gain legal rights

In the DEIR, the County has not provided adequate disclosure regarding off-site impacts of the Project and its Alternatives to surrounding property owners.

This information is necessary to demonstrate Project Feasibility that the Project can ever be legally built.

For the Project and each of its Alternatives, provide the following information regarding off-site improvements for which Accretive Investments currently holds less than full legal right of way. Please provide evidence that there is adequate Project rights for construction of these improvements, including temporary encroachment permissions for construction that enable continued use of the road by Residents during construction.

For each impacted parcel, indicate what the Applicant has done to attempt to secure legal rights. Disclose how the Applicant or the County intends to secure the necessary legal rights for these parcels:

<u>Parcel Number</u>	<u>Property Owner</u>	<u>sq ft. Right of Way required</u>	<u>sq.ft.Slope Easement</u>	<u>Total sq. ft. Encroachment</u>
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i) West Lilac Road

Scenario 1 – Construction of West Lilac Road from Old Hwy 395 to proposed new Road 3b to 2.2 C Road Standards as is the General Plan Baseline. No information on offsite improvements has been provided by the County for the full route of this Alternative, which is the present General Plan Mobility Element baseline.

Scenario 2 a – As per “Right of Way Analysis W. Lilac Rd Alt 1 2.2C/2.2F dated Oct 31, 2013 **with additional land necessary to incorporate Reid Middleton Roundabout design modification recommendations identified.** The Oct 31, 2013 study found that 22 parcels were impacted for a total of 4.3 acres. The Study did not quantify the additional parcels impacted by Roundabout redesigns recommended by Reid Middleton. Please include a current and accurate disclosure of the parcels as impacted by Roundabout redesign.

Scenario 2 b – As per “Right of Way Analysis W. Lilac Rd Alt 1 2.2 C dated Oct 31, 2013 **with additional land necessary to incorporate Reid Middleton Roundabout design modification recommendations identified.** The Oct 31, 2013 study found that 22 parcels were impacted for a total of 5.6 acres. The Study did not quantify the additional parcels impacted by Roundabout redesigns recommended by Reid Middleton. Please include a current and accurate disclosure of the parcels as impacted by Roundabout redesign.

Scenario 3 – Impact of improvement from non-compliant 2.2F to 2.2E configuration to improve horizontal curves and provide bicycle lanes in each direction and 8 foot shoulders for West Lilac Road from Easterly boundary of Subdivision (currently near existing Lilac Walk private road intersection) to Covey Lane. This scenario is discussed further in section 2). Direct Impacts to West Lilac Road section of this letter.

ii). Covey Lane/West Lilac Intersection

Scenario 1 – Impact of construction to Applicant's proposed design **including Sight Distance Clearance and turn tapers. Please carefully analyze the need for Additional Slope Easements beyond those granted in IOD's.**

iii). Mountain Ridge Private Road including Mountain Ridge/Circle R Intersection

Scenario 1 – Impact of improvement to Applicant's proposed design **including Sight Distance Clearance and turn tapers.**

Scenario 2 – Impact of improvement of Mountain Ridge Private Road to 30 Mph Private Road Design Speed Standards **including Sight Distance Clearance and turn tapers.**

Scenario 3 – Impact of construction of Mountain Ridge Private Road to Public Road Design Standards **including Sight Distance Clearance and turn tapers.**

iv). Rodriguez private road. Please further enumerate the all improvements proposed for Rodriguez Road as represented in Master Preliminary Grading Plan TM 5571 RPL 4 Sheet 7 of 12. Provide the legal basis of rights to construct the improvements to Rodriguez Road. Provide a copy for Public Review of document 2013-0021800 Rec. 1-11-2013.

Property Rights ARE a DEIR Issue. Without the acquisition of land for offsite improvements, this Project IS INFEASIBLE and the Environmental Impacts change.

Executive Summary Comment DEIR Paragraph S.3 **Areas of Controversy** page S-4 – Item 2 – Infeasibility of the Project's undefined and infeasible Phasing Sequence

Phasing – The Applicant seeks the utmost in flexibility in developing the Project in Phases of which there are many possible permutations, and no assurance whatsoever of Project performance of Conditions of Development.

The County has endorsed this approach without any assurance of performance by the Applicant, such as bonded indemnification to ensure specific performance.

The Applicant states in the Specific Plan and the County states in the EIR that some Phases may never be built. Mitigations for Traffic Impacts are tied to events that may never happen. This is a serious defect with the EIR. There is no assurance that promised Mitigation will ever occur.

Refer to the following Table 1 – 4 from Chapter 1 EIR Objectives page 1- 34.

TABLE 1-24
GRADING QUANTITIES BY PHASE (cy)

Phase	Cut	Fill	Net
1	715,000	860,000	(145,000)
2	635,000	830,000	(195,000)
3	1,815,000	1,260,000	555,000
4	295,000	420,000	(125,000)
5	610,000	700,000	(90,000)
TOTAL	4,070,000	4,070,000	-

The Project represents that it requires no import or export of soil for all Phases in total. The Project requests any possible Phase implementation sequence. It is **clear** that Phase 3 is the source of fill dirt **for all of the other four Phases** and is required to be at least partially graded concurrently with the first and any other Phase. Please identify how the Project intends to implement Phase 1 without grading on Phase 3. Also, will Phase 3 be used as a quarry for fill dirt for an extended period?

The County of San Diego is deficient for not recognizing this most basic disconnect. The net result of this is a Significant Impact of Project Feasibility.

This example of infeasibility or vastly different Environmental Impacts is repeated over and over again with every Infrastructure aspect: Roads, Sewers, Waste Water, etc.

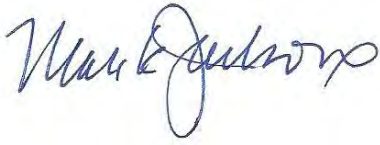
The timing of implementation of Mitigation is also required to be defined with much more rigor than the County has employed. Road Improvement from Significant Impacts are 'triggered' by attainment of a threshold number of Residential Units. The County of San Diego should recognize that certain Commercial Land Uses are far greater drivers of Traffic Impacts than Residential.

Another related defect of this "Phase Game" is that the sum of the Traffic related analyses, for example, have analyzed fewer than 50% of the possible permutations of Phase execution that the County has endorsed in this EIR.

Left with the unbounded Phasing strategy the Applicant proposes, the Project as implemented will have vastly different Environmental Impacts than those analyzed in this EIR.

The Project needs to be required to adopt a defined Phasing Plan sequence with only a few allowable Phase Alternates in order that the proper Environmental Impacts can be assessed.

Sincerely,

A handwritten signature in blue ink that reads "Mark Jackson". The signature is fluid and cursive, with the first name "Mark" and last name "Jackson" clearly distinguishable.

Mark Jackson
9550 Covey Lane
Escondido, CA 92026
760-731-7327
jacksonmark92026@gmail.com

July 8, 2014

To: Mark Slovick, Project Manager
County of San Diego Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123
Mark.Slovick@sdcounty.ca.gov
[\(858\) 495-5172](tel:(858)495-5172)

Subject: Revised DEIR Public Comments Regarding Fire Protection Plan, Evacuation Study, and DEIR Chapter 2.7 Hazards Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001(GPA), PDS2012-3810-12-001 (SP).

Dear Mr. Slovick:

Attached in Attachment 1 are the August, 2013 Public Comments regarding Lilac Hills Ranch Fire and Evacuation Hazards

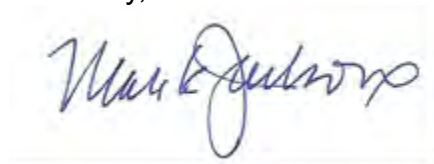
The REIR either did not directly respond to each of the items or failed to adequately respond to the issues raised in this letter and its Attachments.

For example, the attached comments request factual and direct answers to specific Project proposed Covey Lane and Mountain Ridge private road improvement plans which are not completely addressed in the RDEIR.

Specifically, the REIR did not provide an answer to the questions raised on every questioned element of the attached Fire and Evacuation letter.

Published County policies and specific assurance from County Staff have clearly stated that all August 2013 DEIR comments if resubmitted, will be responded to. Therefore, respond to each specific issue raised in the attached letter as part of the County's Response to Public Comments for the revised DEIR.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Jackson", is enclosed in a rectangular box.

Mark Jackson
9550 Covey Lane
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Attachments

August 11, 2013

To: Mark Slovick, Project Manager
County of San Diego Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123
Mark.Slovick@sdcounty.ca.gov
[\(858\) 495-5172](tel:(858)495-5172)

Subject: DEIR Public Comment to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001(GPA), PDS2012-3810-12-001 (SP), Fire Protection Plan, Evacuation Study, and DEIR Chapter 2.7 Hazards

Dear Mr. Slovick –

Fire Protection Plan (FPP)

The proposed Lilac Hills Ranch (LHR) Project FPP does not meet the following basic requirements identified below by Issue Number:

1. Of the three Fire Station site Options proposed by the Applicant, none meet the minimum acceptance criteria of the Deer Springs Fire Protection District (DSFPD). The Charter of the DSFPD focuses on providing no greater than 5 minute emergency response time to the ENTIRE DSFPD, of which the proposed LHR Project is a subset.
2. The Applicant states in the FPP that the LHR Project fully complies with the DSFPD Ordinance No. 2010-01, County of San Diego Consolidated Fire Code, and County of San Diego Public and Private Road Standards. **The LHR has factual compliance issues with all of these regulations.**
3. The FPP focuses nearly exclusively on Wildfire Management and does not sufficiently address Structure Fires, Emergency Medical Service (EMS), or perform any Fire Safety Zone Analysis whatsoever.
4. The FPP doesn't adequately address and analyze the Environmental Impact of the use of six electronic road gates on fire access roads.
5. Fuel Modification Zones (FMZ) – The applicant appears to rely on other property owners outside the LHR Subdivision boundaries to comply with the 100 foot FMZ requirement.

Each of the five Issues above is substantiated as follows.

Issue 1 – Acceptable siting Options for a Fire Station servicing the LHR Project - The following information has been synthesized from the 6/12/13 (Attachment A), 3/5/2013 (Attachment B), and 8/10/2013 (Attachment C) DSFPD Letters. In addition, Valley Center Community Planning Group (VCCPG) members had a 2 hour meeting with Chief Amestoy as well as telephone conversations with respect to Environmental Impacts of the proposed LHR Project. VCCPG members also interacted with the Deer Springs Fire Board during their August 7, 2013 public Board meeting. Information from these interchanges are reflected below.

- The DSFPD Charter is to provide Fire and EMS services for the entire District, including the potential LHR Project.
- DSFPD owns three fire stations (Station 11- 8709 Circle R Drive, Escondido; Station 12 - at

1321 Deer Springs Road, San Marcos; and Station 13 - at 10308 Meadow Glen Way East, Escondido.

-No existing DSFPD Station has the ability to meet the 5 minute Emergency Response Time requirement for Fire Services to the proposed LHR Project.

-The Miller Fire Station (Station 15) is NOT OWNED BY DSFPD. IT IS OWNED BY CAL FIRE (STATE OF CALIFORNIA). Station 15 is seasonal, is equipped with a Brush engine that is not suited for Urban Structures fires, and does not have EMS equipment or staff.

-The District has a policy of a uniform tax rate across all County assessed real property in the District.

-The 2013 DSFPD Annual Operating Cost (Recurring cost not including Capital expenditures for land, facilities, and equipment) for an operating Fire Station is \$ 1.2 Million.

- The estimated Annual revenue increase to DSFPD from the LHR Project at full build out in 2013 dollars is \$ 0.8 Million. LHR tax base only provides 2/3 of the Annual Operating Cost to fund a Fire Station.

- DSFPD (not CAL FIRE or any other Fire Authority) must provide 5 minute or less Emergency Response Time for Fire and EMS service to all customers in the DSFPD, including the proposed LHR Project. **The only feasible method for DSFPD to accomplish this is by operating a total of 3 Fire Stations, because the LHR Project does not generate sufficient annual revenue to cover the operating cost of a 4th DSFPD Fire Station dedicated to the LHR Project.**

Given the above background and constraints, none of the three options provided on Page 28 of the FPP are feasible as substantiated below in bold:

Option 1: This option includes DSFPD and/or SDCFA and CAL FIRE agreeing that CAL FIRE's Station 15 (Miller Station), would provide primary response to project emergencies. This option would include a new fire station or a remodel of the existing Station 15 site, and a new Type I engine. This would require a new agreement between DSFPD and/or SDCFA, and CAL FIRE. **This Option is not feasible because the Miller Fire Station is not within DSFPD's Jurisdictional Authority. The Miller Fire Station is owned and controlled by another Governmental Agency that does not have the Charter to provide Fire and EMS Services to the entire DSFPD.**

Option 2: This option would include a new separate DSFPD fire station on the CAL FIRE Station 15 site in order for such facility to be completely independent from CAL FIRE. This option would include an agreement between DSFPD with CAL FIRE to either remodel Station 15 to co-locate and staff a DSFPD Type I paramedic engine on the site with CAL FIRE or the construction of a completely separate DSFPD station. The new station or remodel would accommodate an engine from station 11 or a new engine purchased for the new facility. This would require an amendment to the existing Amador Agreement with CAL FIRE. **The Miller Fire Station is not within DSFPD's Jurisdictional Authority. The DSFPD's mission is to provide Wildfire, Structural, and Emergency Medical Services for the District. The Miller Fire Station is owned and controlled by the State of California. The primary mission of the California Fire Authority is to provide Wildfire Management for the State of California. The DSFPD does not find it within its Charter and the DSFPD's fiduciary responsibility to the District it serves to enter into a lengthy and complicated**

inter-agency Agreement that alters the Charter and Missions of both Agencies. This option is not feasible.

Option 3: If an agreement cannot be reached between SDCFA and/or DSFPD and CAL FIRE (Option 1) or between DSFPD and CAL FIRE (Option 2), a new fire station would be constructed within the Lilac Hills Ranch Project. A Type I paramedic engine would be added at the station. The engine could either be reassigned from Station 11 or a new Type I purchased for the Station. The construction of a new fire station would be triggered upon the construction of any lot outside the 5 minute response time, equivalent to the 54th unit in Phase 1. If DSFPD agrees, a temporary on-site fire station could be constructed at the same trigger. **This option is not feasible, because there is not enough DSFPD tax revenue generated annually to fund the Annual Operating Cost of a fourth DSFPD Fire Station.**

-DSFPD has stated that the following sequence of serial steps needs to occur before a fact based determination on how to achieve 5 minute Emergency Response Time can be achieved by DSFPD for the proposed LHR Project:

1. DSFPD needs to hire an expert in Operations Research to model how best to provide Services with three fire stations for the entire District, incorporating the large Service needs increase of the LHR Project. The end product would provide the optimum site location potentials for a 3 station DSFPD force. This likely would result in the closure of an existing DSFPD Station and re-siting of the Station on a County Circulation Element Road outside the boundaries of the LHR Subdivision, because this station would have to service other areas in addition to the LHR Project.
2. There is a high probability that the Study in 1) above will make recommendations that require the purchase of land for a different Fire Station Site and the construction of a new facility at that site.
3. It is likely that additional Capital Equipment must be purchased for the new Site in 2) above.
4. DSFPD considers items 1, 2, and 3 above to be Direct Development Impacts that are entirely attributable to the LHR Project. Therefore Accretive Investments must pay these costs in their entirety, not existing DSFPD taxpayers.

In summary, the FPP as published does not demonstrate any feasible method to provide 5 minute Emergency Response Service to the Proposed LHR Project.

This is a factual certain “impact to cause substantial adverse direct and indirect impact on human beings” under the California Environmental Quality Act (CEQA) **and the County of San Diego must find a Mandatory Finding of Significance.**

Issue 2 – FPP claims of full compliance with Fire Codes and Ordinances; Road Standards

Fire Codes and Ordinances – DSFPD Ordinance No. 2010-01 is the District’s implementation of the San Diego County Consolidated Fire Code. San Diego County Public Road Standards and separate Private Road Standards are the governing compliance documents for Road Design. The FPP Section 2.2 states as follows:

2.2 Fire Apparatus Access Roads

“An additional (*sic.*) emergency ingress/egress road is provided to/from the southern portion of the project via existing Mountain Ridge Road and Rodriguez Road. Mountain Ridge Road is accessed from Circle R Road, and Rodriguez Road is accessed via Covey Lane. These roads will meet County Private

road standards for fire apparatus access and will be gated. These ingress/egress roads and all the interior project road circulation will be constructed to San Diego County Private Road Standards and will provide unimpeded fire apparatus access throughout the project. **Private Road Standards are similar to public road standards with few exceptions."**

Mountain Ridge Private Road – The existing Mountain Ridge private road has a 16.6% Vertical Curve that the Applicant verifies on Sheet 8 of the LHR Master Tentative Map. This exceeds current Private Road Standards as well as being non-compliant with the Consolidated Fire Code.

Mountain Ridge is 2580 feet from the subdivision boundary to Circle R Public Road. Accretive is planning no improvement for Mountain Ridge other than adding 4 feet of paved surface (2 feet on each side). The resulting road does not meet San Diego County Consolidated Fire Code requirements. **The proposed road is non-compliant in Vertical Curve Requirements design and construction and does not meet two San Diego County Private Road Standards parameters. Compliance with San Diego County Road Standards is a requisite condition for compliance with the San Diego County Consolidated Fire Code.**

The road design for the LHR project is based on receiving approval for two Requests For Exemption for Road Standards (RFEFRS) for Mountain Ridge **that are not in compliance with County Road Standards and therefore Fire Ordinance and Codes..**

One RFEFRS (Attachment D) seeks to lower the Design Speed to 15 MPH from 25 MPH while increasing the current traffic load **from 250 Average Daily Trips (ADT) to 2250 ADT** with proposed LHR Project traffic. An independent expert review of the Applicant's Traffic Study has found that the Applicant has understated the proposed LHR Traffic Study an overall 11.9%. There is a very high likelihood that a fair and balanced Traffic analysis will conclude that the cumulative Traffic load of Mountain Ridge Road will exceed the 2500 ADT threshold and will be required to be designed and built to more restrictive Public Road Standards to be compliant with County Road Standards.

The other RFEFRS (also in Attachment D) requests to eliminate the need to construct a portion of the intersection taper feature at the Circle R intersection. This taper enables a large vehicle, such as a Type I Fire Engine to complete a right hand turn from Circle R Drive to Mountain Ridge Private Road.

The Applicant has submitted the June 25, 2013 Sight Distance Analysis enclosed in Attachment E. This document states that the LHR Project as proposed is only able to achieve Sight Distance compliance by using a County Right – that of Prescriptive Easement Access for Brush Clearance – this right is not owned by the Applicant. How does the Applicant propose to legally provide Sight Distance compliance at this intersection?

Covey Lane – The Applicant submitted the June 25, 2013 Sight Distance Analysis enclosed in Attachment F for the proposed intersection with West Lilac Lane. This intersection **fails to meet Sight Distance requirements.** Question – Please answer how the Applicant expects to gain the additional rights required to grade a substantial portion of a parcel of land that they do not own rights on to achieve Sight Distance standards compliance.

Private Road Standards – San Diego County Private Road Standards are SIGNIFICANTLY relaxed from Public Road Standards in key Safety related areas such as allowable Sight

Distance on Vertical and Horizontal Curves and Intersections, road design, and road materials. Accretive is placing a large percentage of 5,185 people in potential Wildfire evacuation scenarios in smoke filled environments over the same narrow 24 foot roads with Sight Distance Lines that fail County Standards. And Accretive says this is safe?

In summary, the FPP as published does not demonstrate proposed LHR Project compliance with County and DSFPD Fire Codes and Ordinances or County Public and Private Road Standards. Accretive is creating significant Safety Issues, and not providing mitigation.

This is a factual certain “impact to cause substantial adverse direct and indirect impact on human beings” under the California Environmental Quality Act (CEQA) **and the County of San Diego must find a Mandatory Finding of Significance.**

Issue 3 – The FPP focuses exclusively on Wildland fire Hazards – The FPP does not sufficiently address either Structure Fires or Emergency Medical Service (EMS) such that Environmental Impact and mitigations can be assessed.

The term “Emergency Medical Services” is stated exactly twice in the FPP and only as a reference to a legally required service of the District. No analysis of the significant EMS demand load and response issues associated with the proposed LHR project’s disproportionately large Senior Residential Housing population is provided.

The term “structure fire” is stated exactly once in the FPP and only as a reference to a legally required service of the District. No analysis of any of the many Structure Fire hazards and response scenarios that the proposed LHR Ranch induces are performed.

In the Wildland fire discussion in the FPP and DEIR Chapter 2.7 Hazards, there was not a single discussion of Fire Safety Zones (FSZ). FSZ’s are a critical required element of a Wildland Fire Management Plan, indicating areas of topography and fuel load that are unsafe for Fire Personnel entry.

Revise the FPP to include these essential analyses: EMS requirements and response times, Structure Fire Hazard analysis, and Wildland fire FSZ analyses and resubmit the FPP and EIR with an additional 45 day Public Comment Period.

Issue 4 – The FPP doesn’t adequately address and analyze the Environmental Impact of the use of six electronic road gates on fire access roads - Unsubstantiated assertions and conclusions regarding the impacts of use of electronic road gates on fire access roads provided in DEIR Chapter 2.7 – “Hazards” needs to be substantiated by supporting analyses in the FPP.

The inclusion of six electronic gates across fire access roads in Project design is problematic. Additional analysis needs to be performed in the FPP. Particularly troubling scenarios are potential routes that have more than one gate to access in series to provide emergency Fire and EMS services.

Why was the FIGURE 2.7-1 Project Gated Access graphic (Attachment G) not included and it’s Environmental Impacts with respect to human safety discussed in the FPP?

Please revise the FPP to include these vital analyses and resubmit with an additional 45 day Public Comment Period.

Issue 5 - Fuel Modification Zones (FMZ) – Section 5.4 Fuel Management Zones on page 42 of the FPP states “The project includes a few areas where fuel modification zones are less than 100 feet wide. Based on even a quick scan of Figure 1.6 from Chapter 1 of the DEIR (Attachment H) the more accurate and true statement is: **“The project includes extensive areas where fuel management zones are less than 100 feet wide.”**

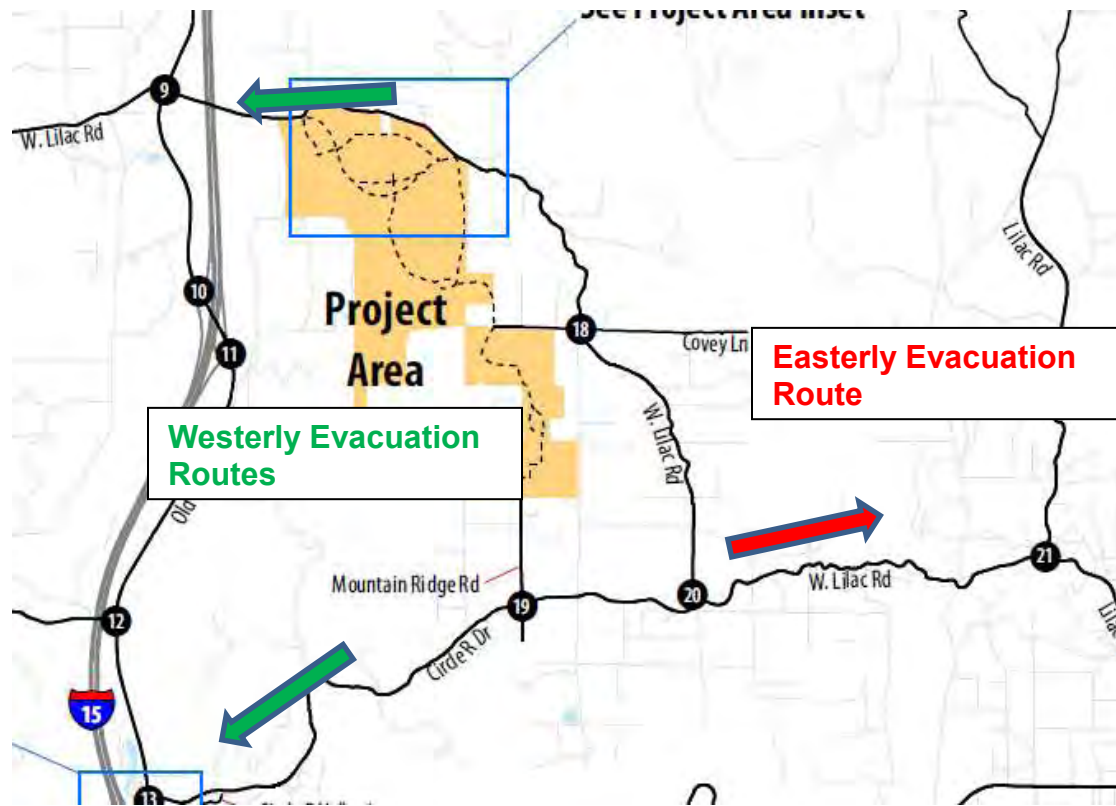
Why was Figure 1.6 not included, analyzed, and every exception to the 100 foot FMZ requirement discussed in the FPP and Chapter 2.7 Subchapter 2.7.3.4 Issue 4: Wildland Fires? Please revise both documents to assess these concerns and recycle for a 45 day Public Comment Period so that Environmental Impacts and mitigations can be assessed.

Evacuation Plan - The Evacuation Plan does not address the most fundamental evacuation issue of the Proposed LHR Project – the limited number of roads for automobile evacuation of the 5185 residents of the proposed LHR Project added to the existing area rural and semi-rural population.

The LHR Project has but two Public Roads that provide evacuation routes to the West: West Lilac Road to the north and Circle R Road to the South. Both are two lane rural Circulation Element 2.2 E roads for which **Accretive plans no upgrade**. Accretive is brazenly requesting exception to future County upgrade plans for portions of West Lilac Road to be **downgraded** from 2.2 C to 2.2 E capacity.

The LHR Project has but a single evacuation route to the East. That is the easterly section of West Lilac Road that connects to Lilac Road. It is a Circulation Element 2.2 E two lane rural road. The current as built configuration of this road does not meet current 2.2 E road design standards for certain design features, such as paved shoulder width, sight distance, design speed, curve radii, etc. There are no plans to upgrade this road. Accretive does not propose to pay for their direct development impact to this stretch of West Lilac Road.

Please refer to Figure 1 below that illustrates the proposed LHR Project Evacuation Routes:

Figure 1 – Westerly and Easterly Evacuation Routes

What would happen if a Wildfire from the East driven by Santa Ana winds with the resulting large smoke plume required sudden Westerly evacuation of the LHR project?

And:

- In the ensuing panic and with obscured vision, a four vehicle accident involving a two axle flatbed truck, a pickup truck with horse trailer, and two cars blocked the West Lilac Bridge over I-15.
- Nearly simultaneously, the fire jumped and sections of Circle R Road were involved, requiring five Fire Crews with Type 3 and Type 1 Engines to be engaged in suppressing the fire, having the effect of blocking Circle R Drive?
- While the rest of the Valley Center Population to the East of the proposed LHR Project is simultaneously attempting to evacuate to the West using West Lilac Road to I-15.

However, the FPP has set us straight on what the more probable risk area is: a large Wildfire from the West.

The FPP recognizes the large fuel load immediately to the east of the I-15 Freeway that hasn't

burned in more than 50 years. In steep terrain. On the Western Border of the proposed LHR Project.

The FPP recognizes that the prevailing winds are from the West.

What would happen in the following scenario? :

- An event, including but not limited to a sudden wildfire from the high fuel zone immediately to the West of the LHR Project requires sudden evacuation of the Project **to the East?**

There is but a single exit route for 5185 people – the narrow, twisting West Lilac Road to Lilac Road. If the evacuation event is caused by a large Wildfire from the West, the ensuing smoke plume will result in panic evacuation over a single treacherous road. There are over 40 existing residential driveways that intersect this section of West Lilac with semi-rural land uses.

What happens in a high smoke environment if a large pickup truck towing a horse trailer overturns and blocks both travel lanes of this road?

In summary, the Evacuation Plan ignores the most fundamental Evacuation issues of the proposed LHR project. The LHR Project Evacuation scenarios enumerated above create significant Safety Issues that have not, and cannot be mitigated.

This is a factual certain “impact to cause substantial adverse direct and indirect impact on human beings” under the California Environmental Quality Act (CEQA) **and the County of San Diego must find a Mandatory Finding of Significance.**

DEIR Chapter 2.7 Hazard Analysis – There are two sections of the Hazard Analysis Cumulative Impacts that directly relate to Fire Protection and Evacuation Plans for the proposed LHR Project:

2.7.3.3 Issue 3: Emergency Response and Evacuation Plans - The Applicant states that cumulative impacts are less than significant.

The Evacuation hazards enumerated in this letter raise factual and compelling Public Safety issues with respect to the proposed LHR project.

The LHR Project has not demonstrated that the project can meet the 5 minute Emergency Response requirement for Fire Services.

Addition of 5185 additional persons requiring automobile evacuation in this area that has one easterly and two westerly evacuation routes and no plans to add additional evacuation routes is a huge additive cumulative impact.

This is a factual certain “impact to cause substantial adverse direct and indirect impact on human beings” under the California Environmental Quality Act (CEQA) **and the County of San Diego must find a Mandatory Finding of Significance.**

2.7.3.4 Issue 4: Wildland Fires - The Applicant states that cumulative impacts are less than significant.

The Applicant is correct in stating that the LHR Project eliminates fuel load by paving over wild lands and covering the land with asphalt and concrete. However, the Fire and Wildfire hazards enumerated in this letter raise factual and compelling Public Safety issues with respect to the proposed LHR project. The addition of 5185 additional persons requiring automobile evacuation in this area that has one easterly and two westerly evacuation routes and no plans to add additional evacuation routes is a huge additive cumulative impact to Wildland fire hazard analysis.

This is a factual certain “impact to cause substantial adverse direct and indirect impact on human beings” under the California Environmental Quality Act (CEQA) **and the County of San Diego must find a Mandatory Finding of Significance.**

Sincerely,

Mark Jackson
9550 Covey Lane
Escondido, CA 92026
760-731-7327

Attachment A - June 12, 2012 DSFPD to Slovik Ltr. Re: TM – 5571 & 72; LHR Project
Attachment B - March 5, 2013 DSFPD to Slovik Ltr. Re: LHR Specific Plan
Attachment C - August 10, 2013 DSFPD to Slovik Ltr Re: LHR Project DEIR
Attachment D - September 12 and 13, 2012 RFEFRS Mountain Ridge Design Speed and Road
Taper
Attachment E - June 25, 2013 Mountain Ridge Sight Distance Analysis
Attachment F - June 25, 2013 Covey Lane Sight Distance Analysis
Attachment G - Figure 27-1 Project Gated Access
Attachment H – Figure 1.6 Fuel Modification Zones



Deer Springs Fire Protection District

8709 Circle K Drive • Escondido, CA 92026 • tel 760-749-8001 • fax 760-749-6572

June 12, 2012

County of San Diego
Department of Planning and Land Use
5201 Ruffin Rd. Suite B
San Diego, CA 92123

Attn: Mark Slovick, Project Planner

RE: TM-5571 & 5572, Lilac Hills Ranch

The following are the general comments of the Deer Springs Fire Protection District with regard to the Lilac Hills Ranch Project. It must be noted that these comments can only be made in general terms due to the limited information we have received from the developer.

As the Fire Authority Having Jurisdiction for the project, we find the following issues to be of concern:

- The project is sited in a location requiring response times longer than allowed by both the County General Plan, and District guidelines. The developer's proposal to utilize the CAL FIRE Miller Fire Station as the primary fire station for the project is unacceptable. A timely response to incidents within the project will likely require relocation of the District's Headquarters Station #11. Determining the best course of action with respect to the siting of a replacement station would best be handled through hiring an independent consultant of the district's choice to conduct a "standards of cover" assessment for the Deer Springs Fire Protection District. This study would include the impact of the Lilac Hills Ranch Project as well as any proposed or likely development that might impact District operations in the future. This study would be conducted at the developer's expense.
- Roadway lengths, widths, turnarounds, and modifications to existing transportation infrastructure as they relate to ingress and egress for emergency responders as well as for the evacuation of residents, need to be more thoroughly evaluated once additional information is available. Some elements of the submitted roadway designs are unacceptable by district standards. Hammerheads are not permissible for termination of roadways, and must be replaced with cul-de-sacs of no less than 36' improved unobstructed radius, plus parking.
- The proposed traffic calming devices appear to reduce the available space to below acceptable turning radius requirements for district fire apparatus and may be modified or removed per Consolidated Fire Code section 503.4.1.

- All fire apparatus access roads shall be no less than 24' improved unobstructed width, plus parking.
- All backbone roads shall be completed prior to issuance of building permits, and all roads shall be constructed prior to delivery of combustibles including the proposed North/South road that will link West Lilac Road to Circle R Drive. Further, the North/South road should be a public road consistent with all applicable County public road standards and the fire code and provide for secondary ingress and egress prior to the first phase of the project.
- Dedicated public north/south and east/west circulation shall be addressed (CFC 503.2.1)
- Provide full road circulation for all phases.
- More detailed information regarding the types, sizes and uses of structures within the project is needed for a full evaluation of the impacts on the district's response capabilities. Multi story structures, commercial development, solar plant, sewage treatment, and senior living facilities have been mentioned by the developer, but no specific information regarding these structures has been submitted. This will make all-hazards response planning impossible.
- Fire access to open space areas must be provided. Further, islands of vegetation and open space areas must be kept fire safe or modified to the satisfaction of the fire code. A homeowners association should be established to provide for the maintenance of fire safe conditions of fuel modification zones in perpetuity.
- All fire hydrants will be installed and serviceable by all applicable code standards prior to the delivery of combustibles.

Sincerely,



Chris Amestoy
Fire Chief
Deer Springs Fire Protection District
(760) 749-8001

Cc: Cathey Michna, Fire Prevention Specialist, DSFPD
Cc: James Pino, Fire Marshal, SDFCA (via email)
Cc: Greg Griswold, Deputy Chief, CAL FIRE (via email)
Cc: Ralph Steinhoff, Fire Services Coordinator, SDFCA (via email)



Deer Springs Fire Protection District
8709 Circle R Drive • Escondido, CA 92026
Tel (760) 749-8001 • Fax (760) 749-6572

Tuesday, March 5, 2013

County of San Diego
Department of Planning and Land Use
5510 Overland Ave., Suite 321
San Diego, CA. 92133

Attn: Mark Slovik, Project Planner

Subject: Lilac Hills Ranch Specific Plan
TM 5571, TM 5572
SP12-001

The DSFPD has conducted a review of the above listed Specific Plan.

I have reviewed the report and have outlined the necessary requirements and concerns.

The DSFPD requires that this site will comply with the following and adhere to current Fire codes, Building codes and County codes applicable at the time of Project start:

INTRODUCTION; page I-6:

2. Water Resources- This project is serviced by the Valley Center Municipal Water District (VCMWD) which requires that the fire protection systems service meters be a minimum of one inch (1"), and will be separate from the domestic supply. DSFPD may require a larger meter size, dependent upon building type and usage.

SPECIFIC PLAN SUMMARY; page II-7:

1. Land Use Distribution- (a.) Phasing- The Deer Springs Fire Protection District (DSFPD) will require that the roadway infrastructure, along with all fire hydrants be installed prior to the allowance of combustibles on the project site.

Page II-18:

3. Community Recreational Elements- (c.) Community Trail Network- With a proposed trail network of over 16 miles there needs to be several areas that will be accessible to the fire department for emergency incidents on the trails. Please add these access points to the plan for fire department approval.

Page II-19:

D. Circulation Plan- 1. Streets- (b.) Private Roads- The specific plan refers to all roads within the development as being private and many of the proposed streets do not comply with the County of San Diego Private Road Standards or with the County Fire Code minimum roadway standards. DSFPD has concerns with the one lane one-way Main St. proposal. The street is identified as the most travelled roadway in the development and such a design will not be approved as is. Deer Springs Fire Protection District would consider the one-way roads with the removal of parallel street parking. With the elimination of parallel parking the travel lane would then be sixteen feet (16'), giving fire apparatus an adequate amount of space to pass vehicles in the event of an emergency response. The development's current roadway design greatly limits fire department access and DSFPD is concerned with the install of roundabouts and alleyways greatly impacting fire department response times. The Traffic Calming Intersection Neckdown will not be accepted in this project.

Figure 24- Project Internal Circulation:

All automatic gates located within the development are required to have a Knox key switch override system along with an approved emergency traffic control-activating strobe light sensor(s), i.e.; Opticom. The map indicates that there will be a total of five automatic gates starting near Circle R Dr. on Mountain Ridge Rd. and ending at Covey Ln. The amount of gates and their locations will impact fire department response times in to these areas.

Figure 29- Typical Street Section:

Main Street (On-site) - Minimum acceptable travel lane width is fourteen feet (14') unobstructed width. Plans show that the proposed travel lane will be twelve feet (12'), DSFPD will accept no less than the minimums on this project. All trees planted in the center median will maintain, at all times, a clearance of 13' (ft) 6" (in) over all roadways.

DEVELOPMENT STANDARDS AND REGULATIONS; page III-13:

D. Site Design/Landscape Design- 1. Landscape Concept- Lilac Hills Ranch is located in a high wildland fire area and will be difficult to access; therefore a minimum FMZ (fuel modification zone) of 100' (ft) will apply to all areas of Lilac Hills Ranch. A landscape plan is required for this project and will need to be submitted to DSFPD for approval.

Page III-24:

9. Fence Concepts- Any fencing located less than five feet from a building will be non-combustible.

Page III-38:

c. Architecture- Garage/Driveway Design (iv.)- Pavers are not designed to support the load of a fire apparatus not less than 75,000 lbs, making pavers an unacceptable driveway material.

Page III-45:

F. Fire Protection Plan (FPP)- Standards 1.- The FMZ (fuel modification zone) will be a minimum of 100' (ft) throughout, but can be increased by DSFPD if necessary.

TOWN CENTER SECTIONS- FIGURE 75, 76 & 77:

North/South Main St.- Please eliminate parallel street parking as a way to mitigate DSFPD concerns and allow for unobstructed emergency access on these one lane one-way streets.

IMPLEMENTATION; Page IV-6:

1. Required Facilities- e. Fire, Paramedic and Law Enforcement Services and Facilities- The Lilac Hills Ranch project is located within the service area of Deer Springs Fire Protection District in cooperation with CalFire. A total of three fire stations (Station 11, 12 and 13) make up the District; with Station 11, located at 8709 Circle R Dr. being the closest response. The Specific Plan calls for the Miller Fire Station to be the main provider of emergency services to the development. This is an incorrect statement; the Miller Fire Station is a CalFire station and is not a part of the Deer Springs Fire Protection District. Miller does not have the staff or equipment on the type 3 engine to handle any volume of ALS (advanced life support) medical emergencies, and does not carry the size of fire hose needed on a structure fire response. Along with that, Miller is no longer considered a "must cover" station, and may not be staffed at the time of an emergency. Please reflect this change on the plans.

Please add this document to the case file as a fire condition

If you have any questions, please call the Deer Springs Fire Protection District at (760) 749-8001.

Sincerely,

Alicia M. Perry

Alicia M. Perry
Fire Prevention Specialist
Deer Springs Fire Protection District
aperry@dsfd.sdcocmail.com



Deer Springs Fire Protection District

8709 Circle R Drive • Escondido, CA 92026 • tel 760-749-8001 • fax 760-749-6572

August 10, 2013

Mark Slovick, Project Planner
County of San Diego
Planning and Development Services
5510 Overland Ave. Rm. 310
San Diego, CA 92123

Mr. Slovick,

The following are comments of the Deer Springs Fire Protection District in reference to the Lilac Hills Ranch Proposal (TM-5571, TM-5572, SP 12-001).

Service delivery options for the proposed development:

The proposals of the developer have consistently held that the CAL FIRE Miller station is the closest and therefore most appropriate fire station location for service to this project. This is a position that is not, and will not be supported by the Deer Springs Fire Protection District (DSFPD). The assumption that the Miller Fire station will be location of primary responders for fires and other emergencies on the project should be summarily dismissed. CAL FIRE is not the fire agency having jurisdiction and the idea of co-located facilities with the DSFPD assumes a permanent relationship between the agencies and presents significant complications should there be changes to the either the CAL FIRE deployment strategy in the area, or a contractual change with the DSFPD or the SDCFA. It must be recognized that the District does not and cannot accept conditions pre-dictating ongoing relationships with other agencies or siting of permanent facilities based on current relationships that may not be similarly permanent.

Further, the District is unable to support an additional facility for provision of a level of service within the project comparable to that received by existing residents based on the projected revenue generated by the project at build-out. The District cannot accept any proposals for service that are fiscally untenable, as it jeopardizes the ongoing provision of service to existing residents. The District is not inclined to consider staffing options that significantly depart from the standard level of service currently provided in the District. Presently, the District provides response with advanced life support engines with three career personnel. Alternate staffing arrangements are not an option as it would result in a disparate level of service at the same or greater level of tax burden.

Given the aforementioned issues, it is the position of the District that in dealing with response to the Lilac Hills Ranch Proposal, there are the following options:

Option 1:

Relocate the existing Station 11 to an agreed upon location within the project area.

This option would place a replacement facility for the current Station 11 within the project. This option would require a site location that would meet the specified general plan response time needs while maintaining an adequate response to the current residents of the District. A location within the project meeting these criteria is most likely to exist in the southernmost portion of the proposed development. This option will likely require some roadway modifications to satisfy response times to the northern end of the project especially given the phasing plan. Under this option the district would prefer to see unrestricted north/south access through the project with a minimum of traffic calming devices. Additionally, this option will require an evaluation of potential off-site road improvements to Circle R Drive.

A location for this facility would require an evaluation of available sites, and modeling of response times to both the project and existing properties in the district. The cost of this study would be borne by the developer.

It should be noted that Station 11 is a headquarters facility and replacement of the facility will require replacement of the headquarters functions that meet or exceed those currently in place.

Option 2:

Relocate the existing Station 11 to an agreed upon location outside of the project area.

This option would place a replacement facility for the current Station 11 on a site outside of the project but in a location suitable for achieving acceptable response times for both the project and for existing residents. A location suitable would need to be located through a comprehensive evaluation of available properties and based on modeling of response times. It is likely that some modifications to roadways would be necessary to facilitate response times to areas of the project in order to achieve adequate response.

A location for this facility would require an evaluation of available sites, and modeling of response times to both the project and existing properties in the district. The cost of this study would be borne by the developer.

It should be noted that Station 11 is a headquarters facility and replacement of the facility will require replacement of the headquarters functions that meet or exceed those currently in place.

It should be noted that neither of these options requires the support of additional staffing or equipment. The district feels that these are both realistic options that deserve maximum consideration in the development of this project.

Additional Comments:

The FPP continues to have factual inaccuracies regarding the district. The Deer Springs Fire Protection District (DSFPD) operates 3 fire stations (Stations 11, 12, and 13), with 3 front line Type I engines, 2 reserve Type I engines (unstaffed, with one at Station 11, and one at Station 13), 1 Type III engine (Station 12). The district does not employ a fire marshal, but has had a Fire Prevention Specialist during the scope of the FPP's development. The District also employs 1 administrative employee, not 2 as listed.

For purposes of clarity, the Miller Fire Station exists in support of the CAL FIRE mission of suppression of wildland fires in State responsibility areas (SRA). While they represent an important part of the cooperative fire protection system in the region, their statutory mission is to respond to State wildland fires. The station is not equipped or staffed based on the needs of a typical suburban fire department. Even if supplemental staffing or equipment was provided, it is likely that fire activity elsewhere in the state might pull that resource out of the area for protracted periods of time. The "must cover" concept mentioned in the FPP only provides that a CAL FIRE engine from another area of the county or the state (the most recent significant coverage was provided by an engine from San Luis Obispo) will assume coverage of the station at some point. This may cause difficulties in expecting consistent service at a level above what is typically provided by CAL FIRE funded engine companies. Assuming that the development of this project in any way alters the fundamental responsibilities of CAL FIRE is incorrect.

The Miller Fire Station, while in the District, is wholly operated by CAL FIRE during the majority of the year and is not in any way under the operational control of the DSFPD. This relationship can be confusing due to the contractual relationship for staffing with CAL FIRE presently in place within the DSFPD. Additionally, it should be noted that the staffing at the Miller Station during the "Amador" period that is supported by the San Diego County Fire Authority is only 2 personnel, not the 3 personnel that is the standard on DSFPD resources. The Miller Station is a non-paramedic level facility year round.

Finally, the District will expect any project to be built in full compliance with all existing standards, codes, and ordinances for the purpose of providing the maximum level of fire and life safety for our future residents, and for the continuing safety of our responders.

This proposal is of significant concern to the Deer Springs Fire Protection District. If you have any questions or concerns, please contact me at (760) 749-8001.

Sincerely,

Chris Amestoy
Fire Chief
Deer Springs Fire Protection District
8709 Circle R Drive
Escondido, CA 92026

Attachment D - September 12 and 13, 2012 RFEFRS Mountain Ridge Design Speed and Road
Taper Page 1 of 5

REDUCED DESIGN SPEED MOUNTAIN RIDGE ROAD

DEPARTMENT OF PUBLIC WORKS

Request for a
Modification to a Road Standard
and/or to Project Conditions

Project Number: TM 5571/5572 Date of Request: Sept. 12, 2008
Project Location: East Side of Interstate 15, southside of W. Lister Road in the County of San Diego,
State of California. 127-075-21, 127-075-19, 127-075-38, 127-032-43, 127-072-49,
Thos. Bros. Map/Grid: 1049, 1048 APN: 127-075-40, 127-075-41, 128-290-42, 128-445-31, 128-000-48,
128-200-27, 128-280-75, 128-440-21, 128-250-71, 128-110-01
Requestor Name: Acropave Investments, Inc. Telephone: (858) 542-0707
Address: 12275 El Camino Real, Suite 110, San Diego, CA 92130

Requested Modification (attach engineering sketches showing existing layout, details and notes):
The Private Road standard street section is 24' paved, 25' graded within a 40' easement
(see Attachment 1). Based on the average daily traffic, the minimum design speed is 25
mph for Mountain Ridge Road. The requested modification to the road standard is to allow
for a 35 mph design speed over this existing private road (that was previously built to
15 mph standards as conditioned on an adjacent subdivision).

Reason for requested Modification (provide attachment if additional space is required):
The requested road modification pertains to Mountain Ridge Road (private) north of Circle
8 Drive (see Attachment 1). At a 15 mph design speed, the existing road would have to
be completely rebuilt. Rebuilding vertical curves would have to be lengthened considerably
(which would result in some existing driveways no longer being accessible since they are
at the edge of peak of the existing curves). These driveways would need to be redesigned
and rebuilt, while still access is maintained. Lastly, the newly designed road would
require permission to cross from multiple easements. The cost and time to acquire these
approvals would be considerable if they would even be given from adjacent hostile neighbors.

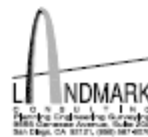
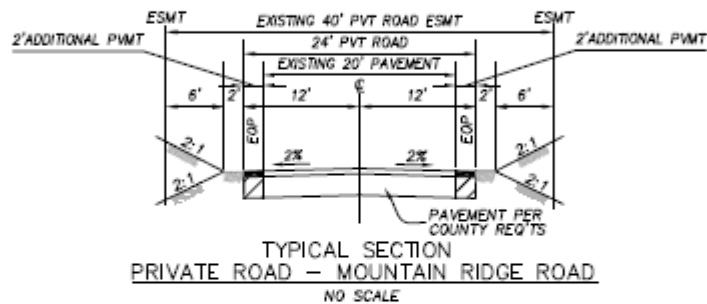
List alternatives that could mitigate the requested Modification (attach engineering sketches showing
proposed layouts, details and notes): Rebuild/reconstruct entire existing road and a retaining wall.

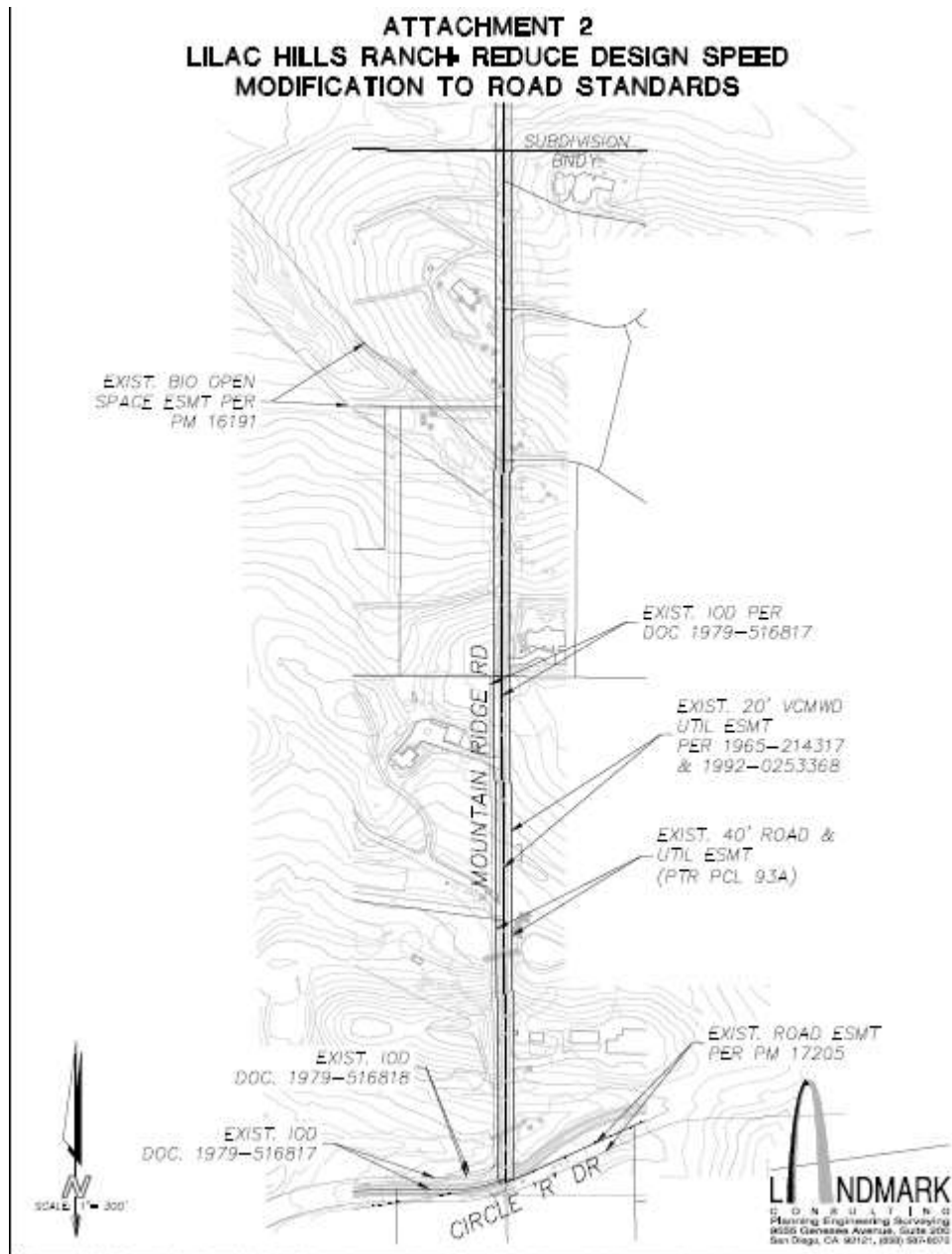
Describe the hardship(s) to the property owner(s) and/or neighbor(s) if the request is not approved (see note
3, on reverse): The impact to the existing homes on this road would be tremendous and the need
for permission to grade others from a large number of neighbors could cause serious delays
(and/or kill this project). Also, the additional costs to reconstruct this entire road and
add many large retaining walls would be prohibitive. Access to some of the existing driveways
(on the huge to peaks) may not even be possible. Finally, the existing Site Open Space Easement
would be impacted if the 35mph design was constructed.

Provide Design and Cost Estimate for meeting the Condition (see note 3, on reverse):

See reverse for directions and important information.

ATTACHMENT 1
LILAC HILLS RANCH: REDUCE DESIGN SPEED
MODIFICATION TO ROAD STANDARDS





Attachment D - September 12 and 13, 2012 RFEFRS Mountain Ridge Design Speed and Road
Taper Page 4 of 5

MOUNTAIN RIDGE ROAD @ CIRCLE 'R' - TAPER

DEPARTMENT OF PUBLIC WORKS

Request for a
Modification to a Road Standard
and/or to Project Conditions

Project Number: 1W 82716272 Date of Request: Dec. 11, 2012
Project Location: East side of Interstate 10, southerly at W. 115th Road in the County of San Diego,
State of California. APN: 227-072-44-127-072-47, 128-188-42 128-442-21, 134 242-01
Thos. Bros. Map/Grid: 1646, -1092 128-072-44-127-072-47, 128-188-42 128-442-21, 134 242-01
Requestor Name: Adrian and Rosalinda, Inc. Telephone: (619) 442-2750
Address: 12345 El Camino Real, Suite 110, San Diego, CA 92162

Requested Modification (attach engineering sketches showing existing layout, details and notes):
The County vehicle road standard for the angle between centerlines at intersections is
to be at least a right angle or greater and is no less than 10 degrees or greater
than 110 degrees. Angles between 70-80 (or 100-110) degrees will require a taper on the
acute angle for right turn movement. The requested modification to the road standard
is to waive this requirement for a taper.

Reason for requested Modification (provide attachment if additional space is required):
The requested modification is located at the intersection of Mountain Ridge Road
and Circle R Drive, where the existing centerline of Mountain Ridge intersects Circle R
at 77 degrees. This would require a taper for right turn from westbound Circle R Road
onto Mountain Ridge Rd. Currently there is no right-of-way on this portion of Circle R
Road and no room for a taper (see Attachment 1). This affects property owner is small
project and could hold up the entire project. Also, the traffic movement from westbound
Circle R Drive to northbound Mountain Ridge Road is very minimal.

List alternatives that could mitigate the requested Modification (attach engineering sketches showing
proposed layouts, details and notes): Admission Wn Ridge Rd to approach Circle R at 91 degrees

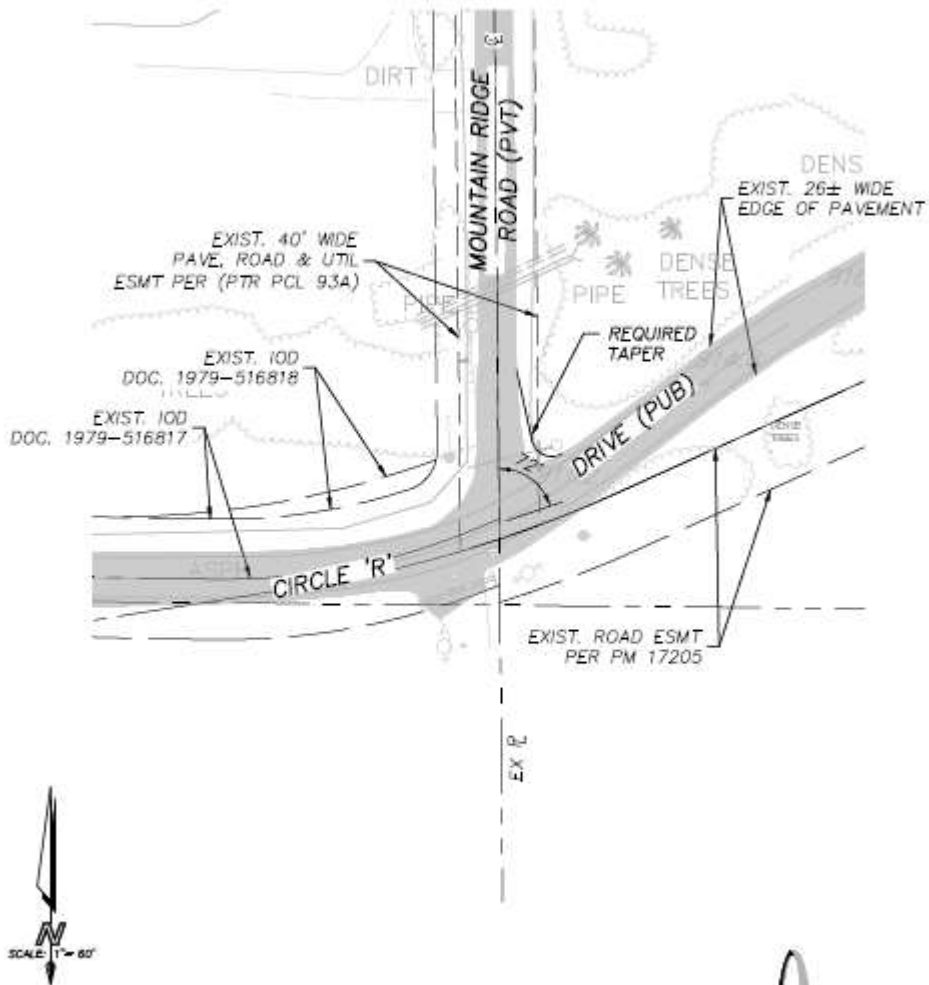
Describe the hardship(s) to the property owner(s) and/or neighbor(s) if the request is not approved (see note
3. on reverse):

A taper cannot be achieved without acquiring an additional road easement from a neighbor
that is against any form of development and improvements. There is virtually no credit
movement that would result from this right turn taper.

Provide Design and Cost Estimate for meeting the Condition (see note 3. on reverse):

See reverse for directions and important information.

ATTACHMENT 1
LILAC HILLS RANCH: TAPER FOR RIGHT TURN MOVEMENT
MODIFICATION TO ROAD STANDARDS





June 25, 2013

Mr. Jon Rilling
Accretive Capital Partners, LLC
12275 El Camino Real, Suite 110
San Diego, CA 92130

RE: Lilac Hills Ranch (TM 5571) - Sight Distance Analysis at Circle R Drive and Mtn Ridge Rd

Dear Jon:

Per your request, we have conducted the Sight Distance Analysis at the intersection of Circle R Drive and Mountain Ridge Road in Valley Center (see Figure 1 - Vicinity Map) to determine adequate sight distance per the San Diego County Public Road Standards requirements. For this analysis, it was assumed the existing alignment of Mountain Ridge Road would remain the same as it approaches Circle R Drive from the north.

The speed survey was completed between September 11, 2012 and September 16, 2012 by National Data and Surveying Services. Average speeds range from 34.7 to 37.0 mph while the 85th percentile, speeds were in the range of 41.3-44.0 mph (see table below). For this analysis, a 45 mph prevailing speed was used. Per the County of San Diego sight distance requirements, the minimum corner intersection sight distance is 450' for a prevailing speed of 45 mph.

Circle R Drive, just east of Mountain Ridge Road						
	ADT	Average Speed (mph)		85th Percentile Speed (mph)		Heavy Vehicle %
		EB	WB	EB	WB	
Weekday	1,822	34.7	36.7	41.3	44.0	2.0%
Weekend	1,407	34.5	37.0	41.5	44.0	2.5%

The line of sight from Observation Point 'B' looking east is of 450' has been achieved due to recent clearing performed in April 2013 along the existing public road within APN 129-390-18 between the existing pavement of Circle R Drive and an existing public road easement granted per PM 17205. It is recommended that this area be kept clear by means of preventative maintenance to maintain adequate sight distance at this Intersection. The County has prescriptive easement rights to this portion of Circle R Drive, a public road. Since the required clearing area is between the existing pavement to the north and an existing public road easement to the south, the County should have the right to clear this area to establish the required line of sight to assure public safety for the use of this existing public road as part of their normal maintenance responsibilities. However, a clear space easement should be obtained over this area (as illustrated on Figure 2) from the offsite property owner (APN 129-390-18) to ensure maintenance rights in perpetuity. Additionally, this clearing area falls within the 50' fire buffer area required by the Deer Springs Fire Protection District along all existing property lines.

The current line of sight for the eastbound traffic as seen from Observation Point 'B' on Mountain Ridge Road looking west toward Object Target 'C' on Circle R Drive is also adequate and neither maintenance nor clearing is recommended at this time.

Profiles through both lines of sight and photos are provided for clarity (Figures 3-6).

If you have any particular questions or require additional information, please do not hesitate to call.

Sincerely,

LANDMARK CONSULTING

Mark A. Brencick, P.E., P.L.S.
President



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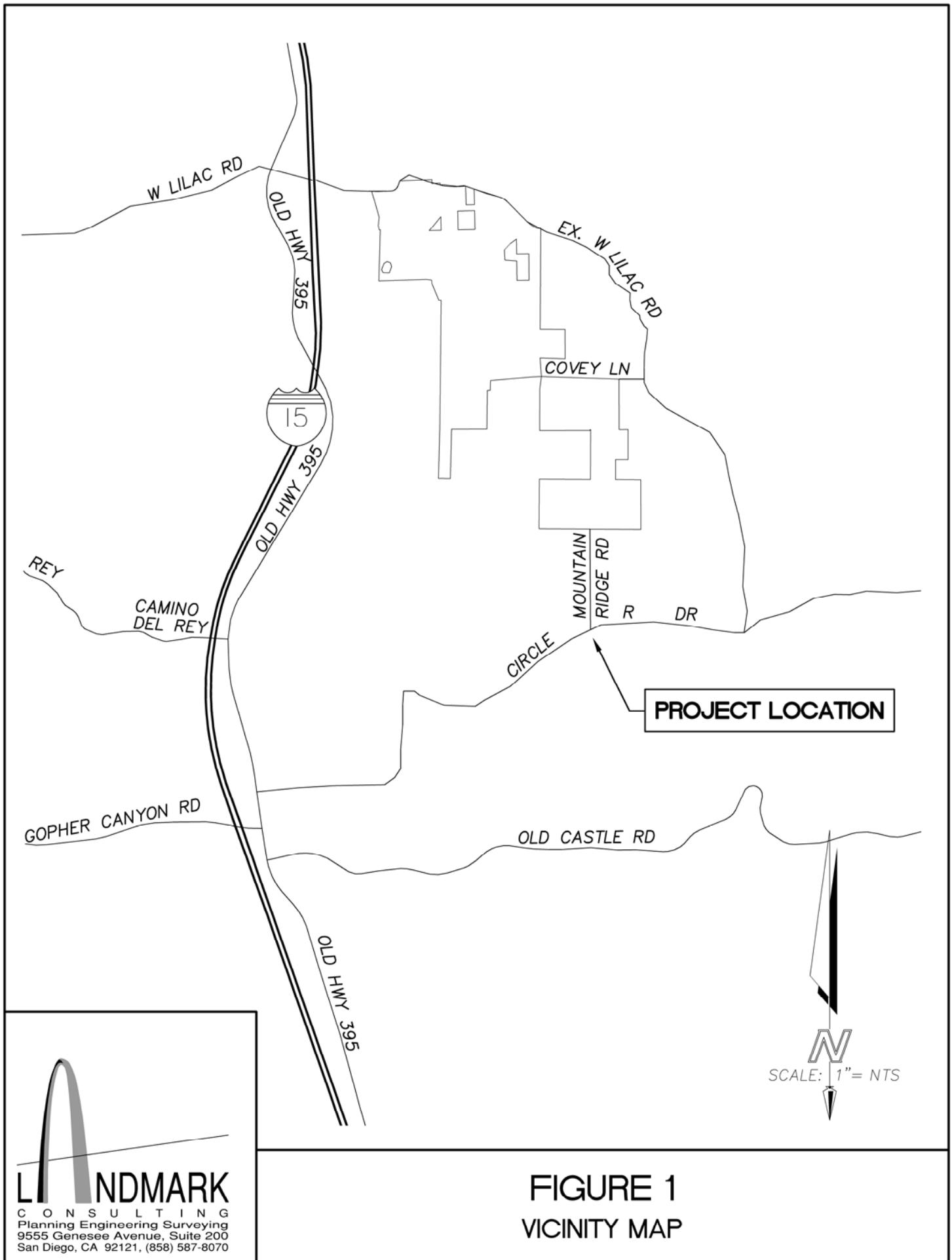
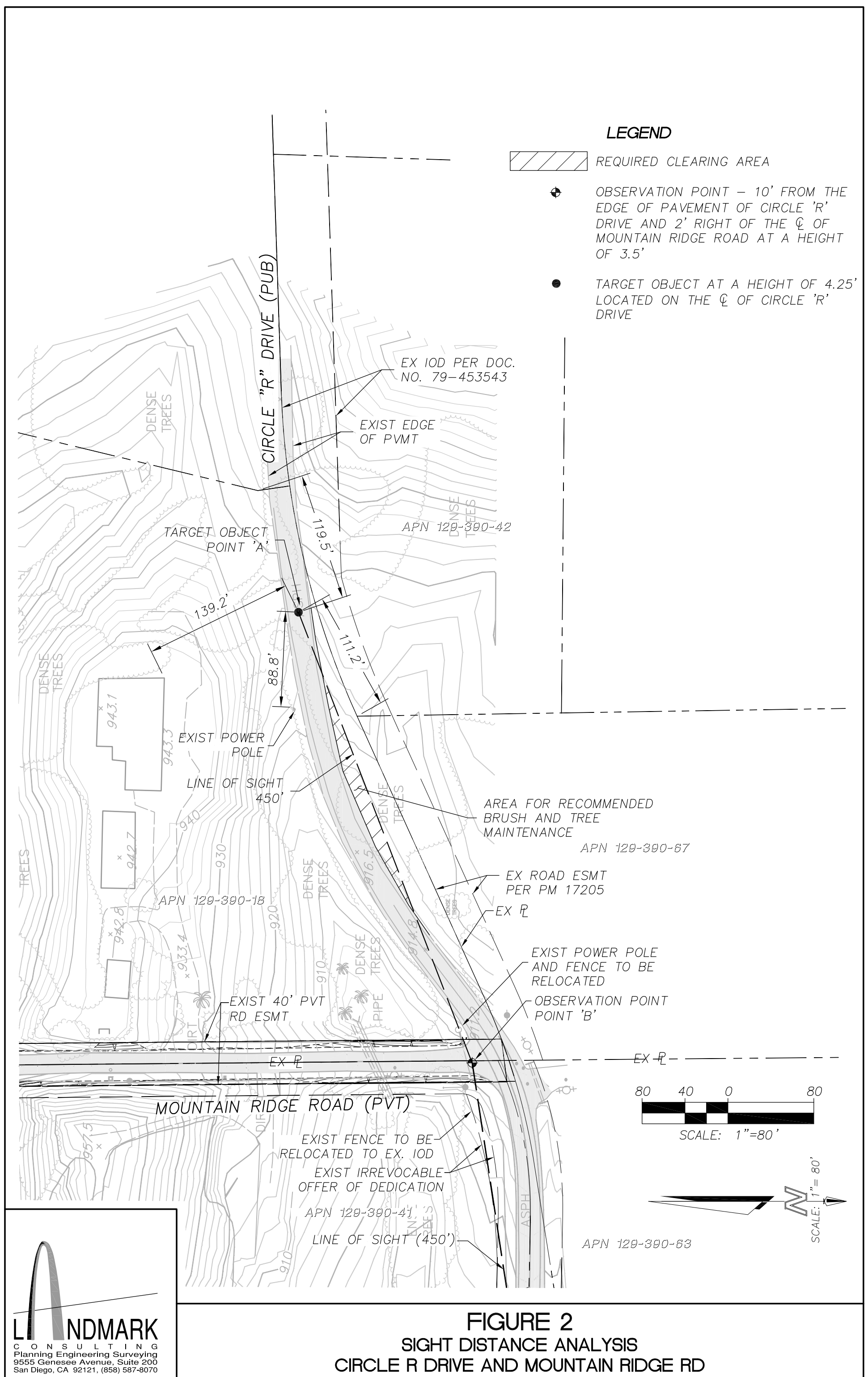


FIGURE 1
VICINITY MAP



PROFILE: CIRCLE R EAST

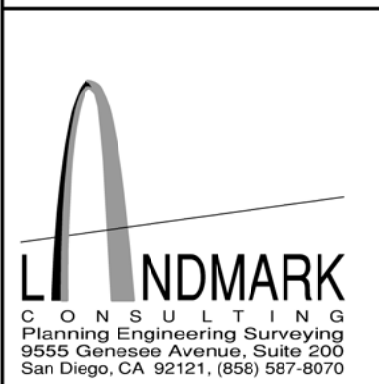
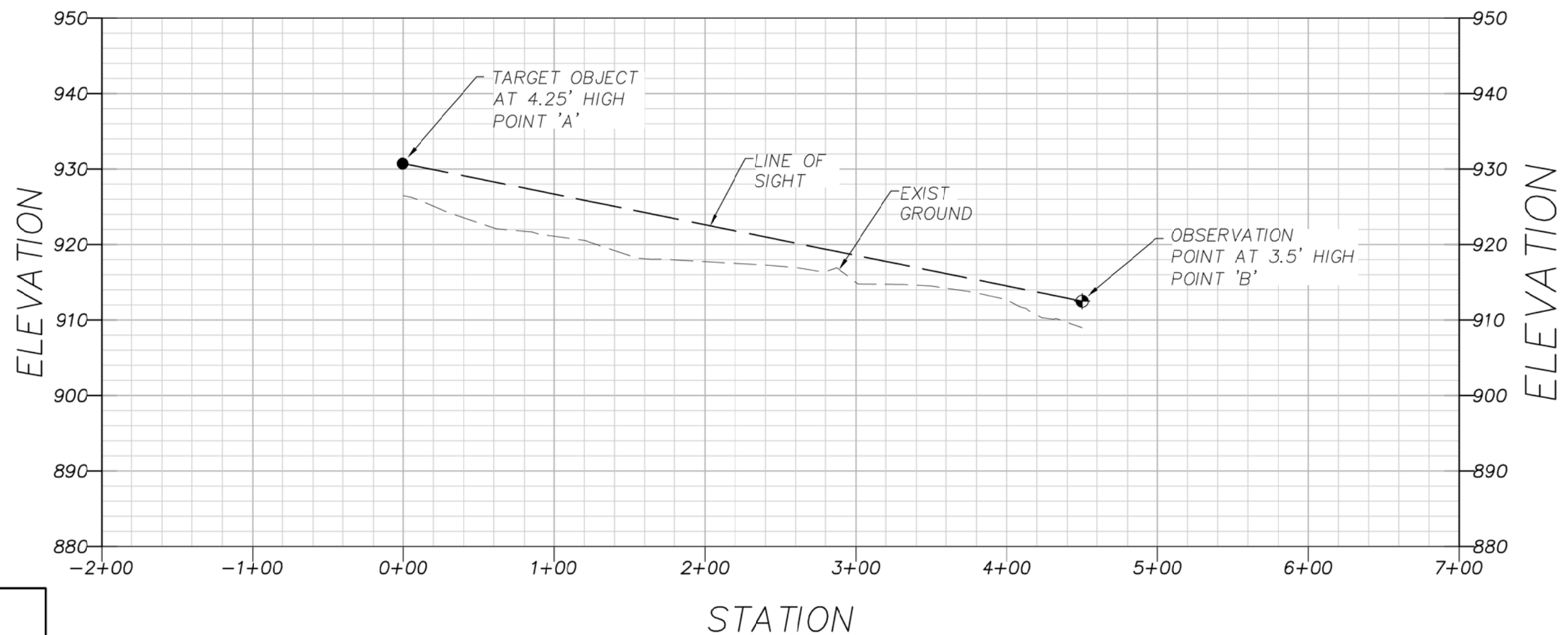


FIGURE 3
LINE OF SIGHT PROFILE FOR MTN RIDGE RD AND CIRCLE R DR (WESTBOUND TRAFFIC)

PROFILE: CIRCLE R WEST

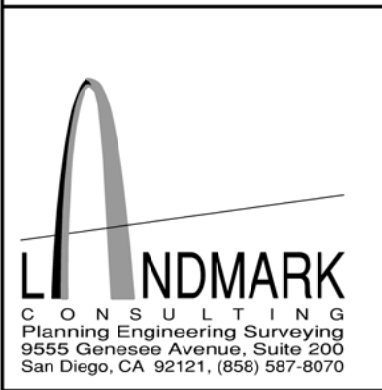
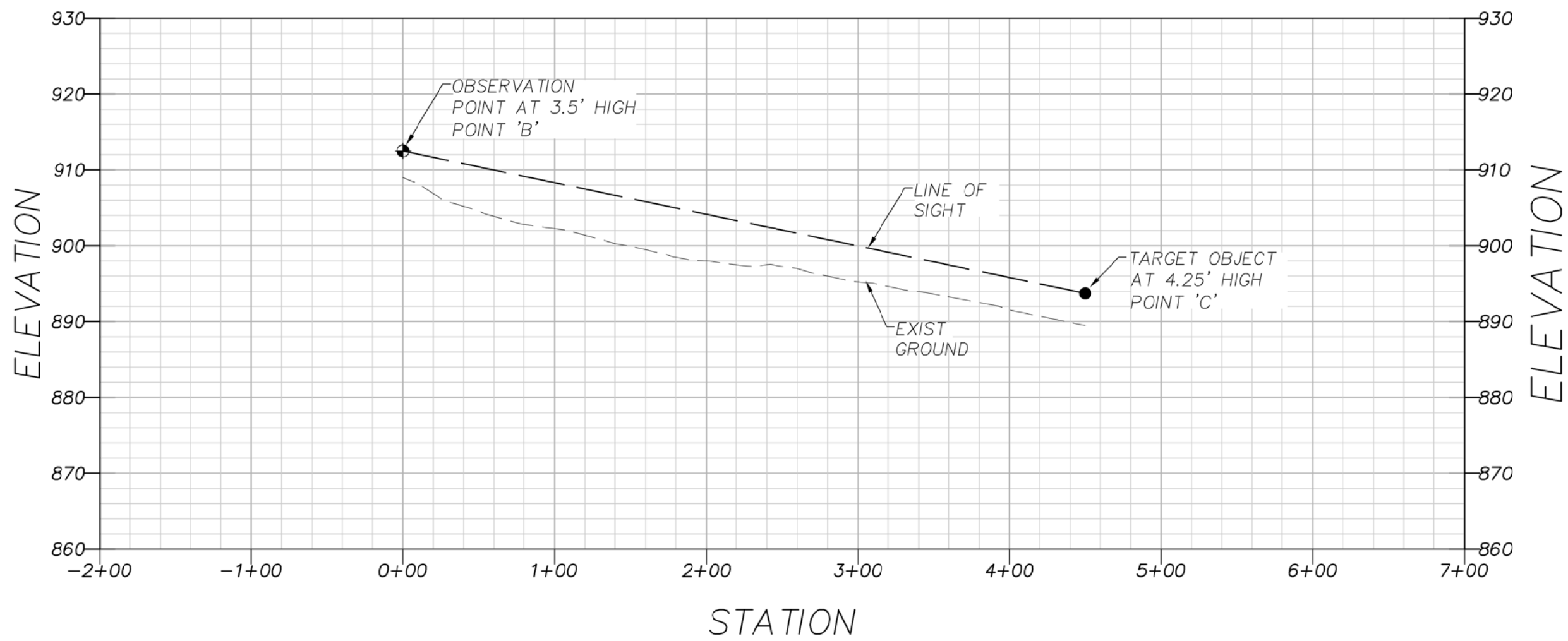


FIGURE 4
LINE OF SIGHT PROFILE FOR MTN RIDGE RD AND CIRCLE R DR (EASTBOUND TRAFFIC)

PHOTO: 05-01-2013



FROM MOUNTAIN RIDGE ROAD LOOKING WEST ONTO
CIRCLE "R" DRIVE

PHOTO: 05-01-2013



FROM MOUNTAIN RIDGE ROAD LOOKING EAST ONTO
CIRCLE "R" DRIVE



June 25, 2013

Mr. Jon Rilling
Accretive Capital Partners, LLC
12275 El Camino Real, Suite 110
San Diego, CA 92130

RE: Lilac Hills Ranch (TM 5571) - Sight Distance Analysis at West Lilac Road and Covey lane

Dear Jon:

Per your request, we have conducted the Sight Distance Analysis at the intersection of West Lilac Road and Covey Lane in Valley Center (see Figure 1 - Vicinity Map) to determine adequate sight distance per the San Diego County Public Road Standards requirements.

The speed survey was completed January 2013 by National Data and Surveying Services. Average speeds range from 25 to 42 mph while the 85th percentile speeds were in the range of 31-48 mph (see table below). For this analysis, a 48 mph prevailing speed was used for the northbound traffic on West Lilac Road south of Covey Lane; and 40 mph for the southbound traffic on West Lilac Road north of Covey Lane. Per the County of San Diego sight distance requirements, the minimum corner intersection sight distance is 480' for a prevailing speed of 48 mph, and 400' for a prevailing speed of 40 mph.

West Lilac Road at Covey Lane				
Roadway	Segment	Direction	Average Speed	85% Percentile Speed
Covey Lane	West of L. Lilac Road	EB	25	31
		WB	28	35
W. Lilac Road	North of Covey Lane	NB	34	41
		SB	34	40
	South of Covey Lane	NB	42	48
		SB	38	44

Currently, the maximum line of sight distance from Observation Point 'B' looking south toward Object Target 'C' on West Lilac Road is 330' assuming no clearing or grading is completed. A line of sight distance of 480' can be achieved by grading and clearing dense trees and brush in an area on property APN 129-190-44. In order to mitigate for the 480' Line of Sight distance requirement, a clear space easement with grading rights should be obtained (as illustrated in Figure 2).

The current line of sight for the southbound traffic as seen from Observation Point 'B' on Covey Lane looking north toward Object Target 'A' on West Lilac Road was adequate; no improvements or clearing will be required.

Profiles through both lines of sight and photos are provided for clarity (Figures 3-5).

If you have any particular questions or require additional information, please do not hesitate to call.

Sincerely,

LANDMARK CONSULTING

Mark A. Brencick, P.E., P.L.S.
President



F:\Dropbox\103-7\Drawings\ALT 1\Exhibits\Sight Distance Analysis\W Lilac Covey Ln\2013-06-25\Sight Distance Analysis - West lilac Road and Covey lane at Lilac Hills Ranch.docx

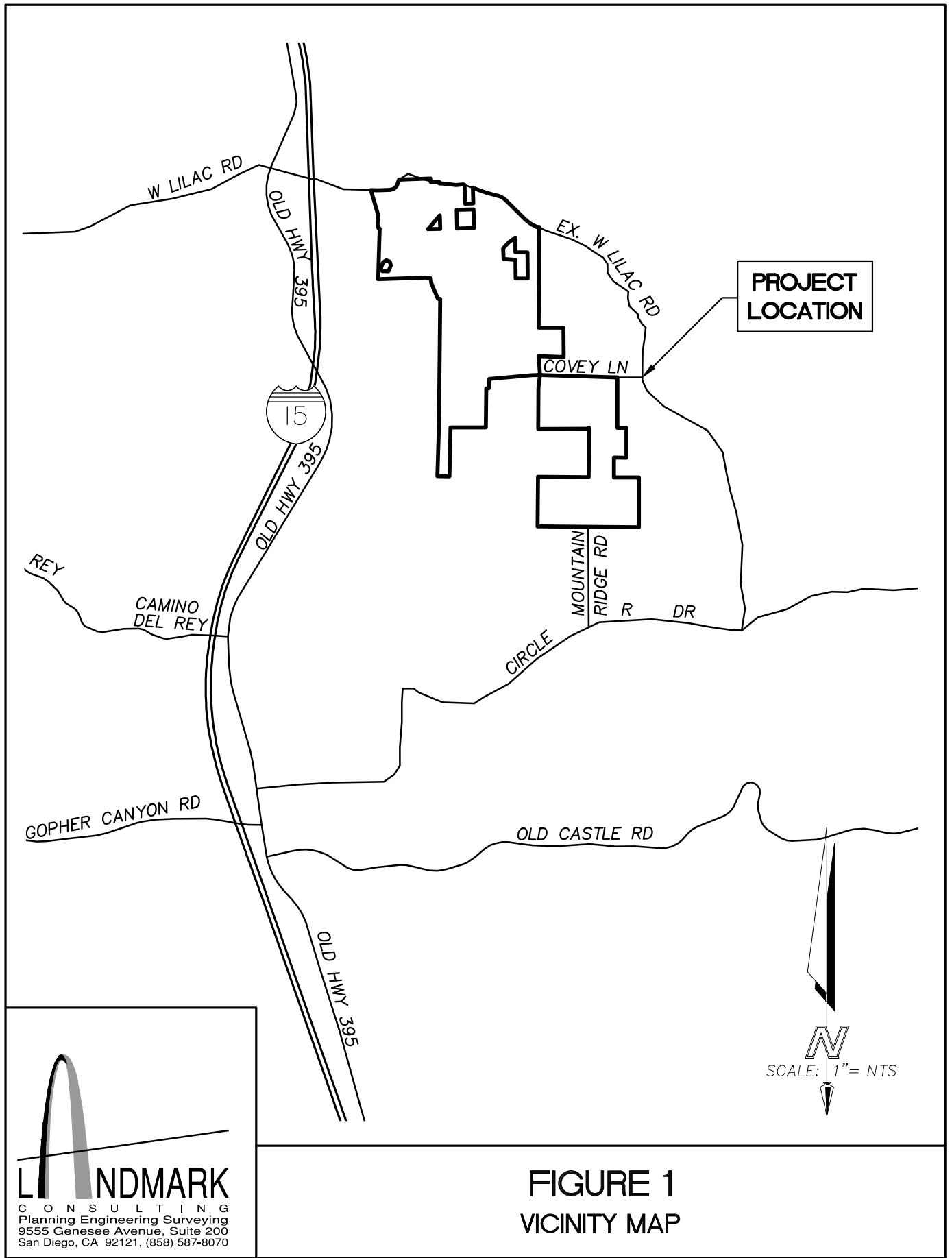


FIGURE 1
VICINITY MAP

PROFILE: W LILAC NORTH

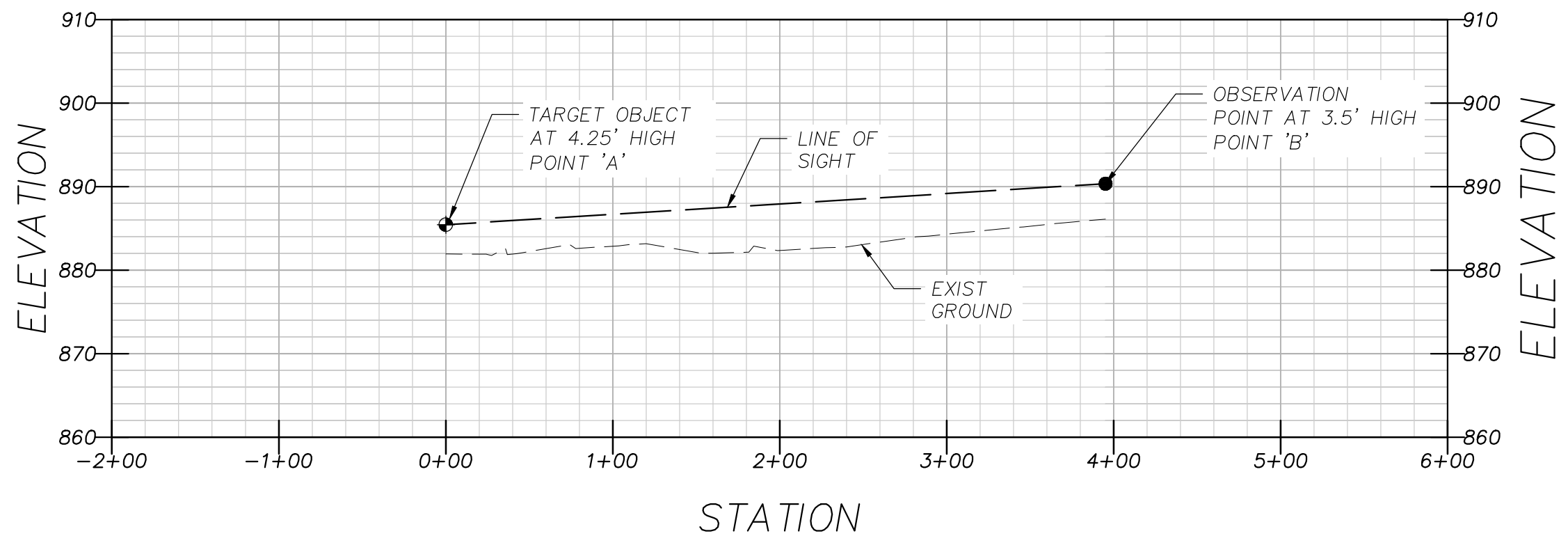


FIGURE 3
LINE OF SIGHT PROFILE FOR WEST LILAC ROAD AND COVEY LANE (SOUTHBOUND TRAFFIC)

PROFILE: W LILAC SOUTH

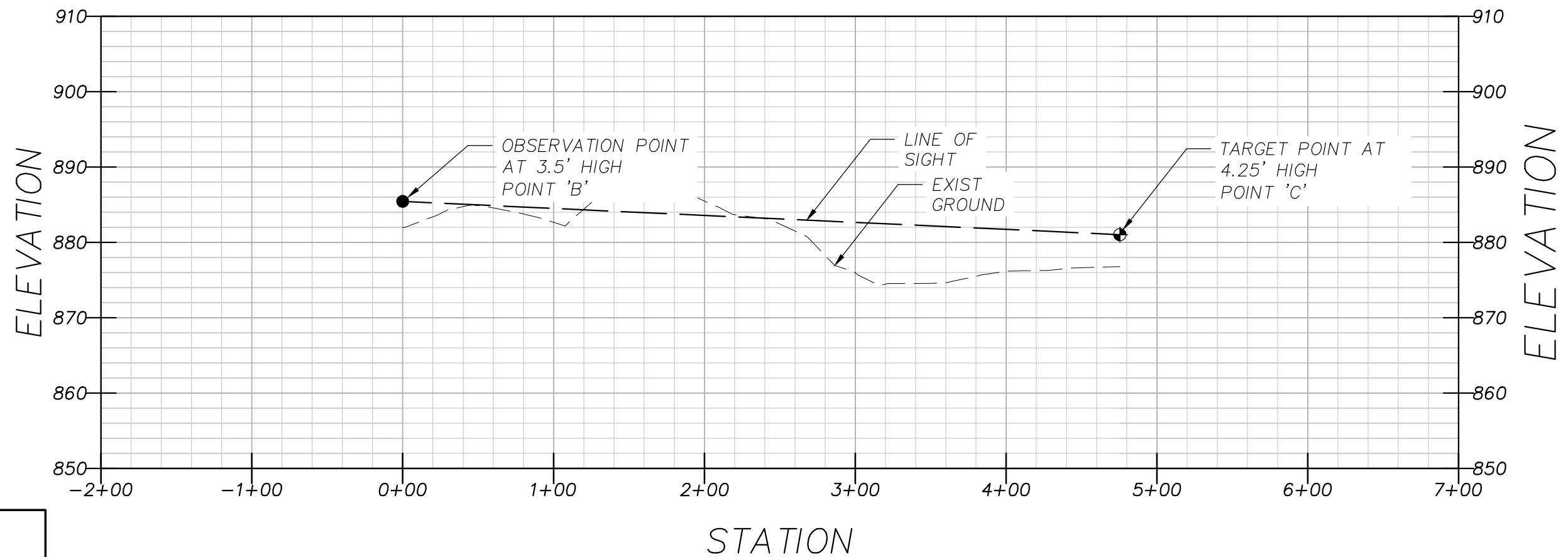
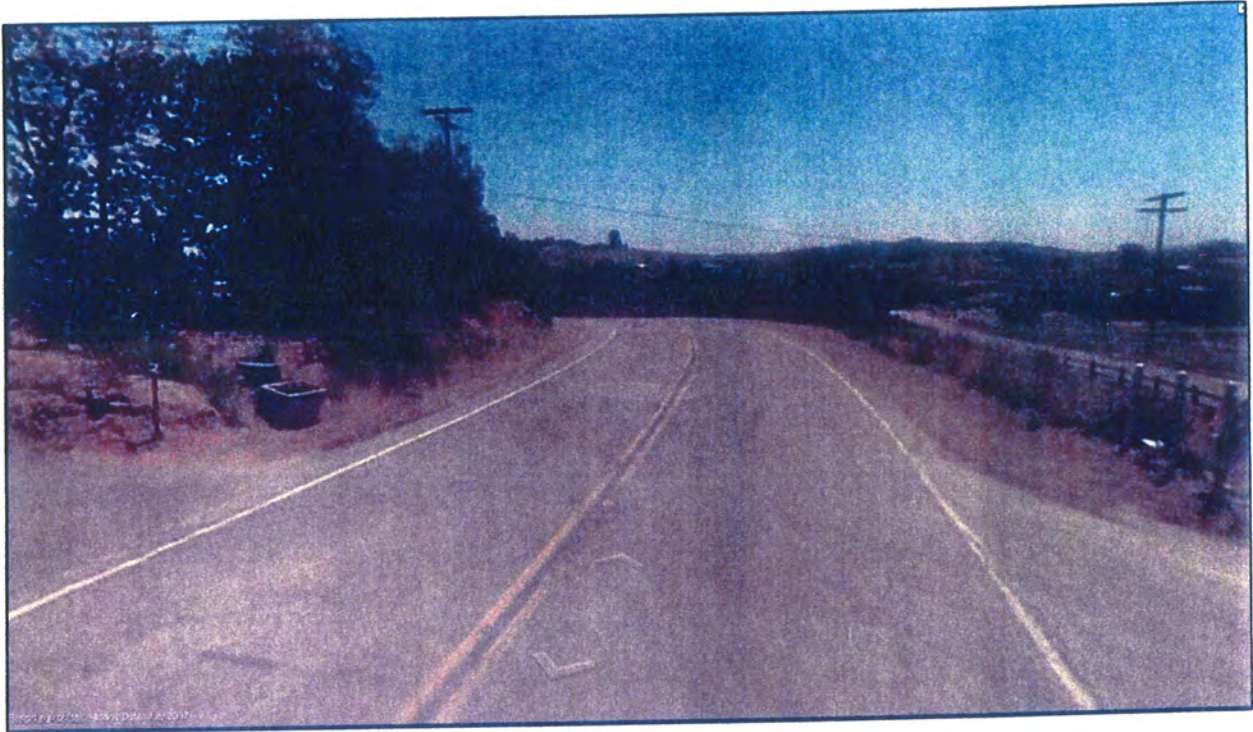


FIGURE 4
LINE OF SIGHT PROFILE FOR WEST LILAC ROAD AND COVEY LANE (NORTHHBOUND TRAFFIC)



LOOKING SOUTH



LOOKING NORTH

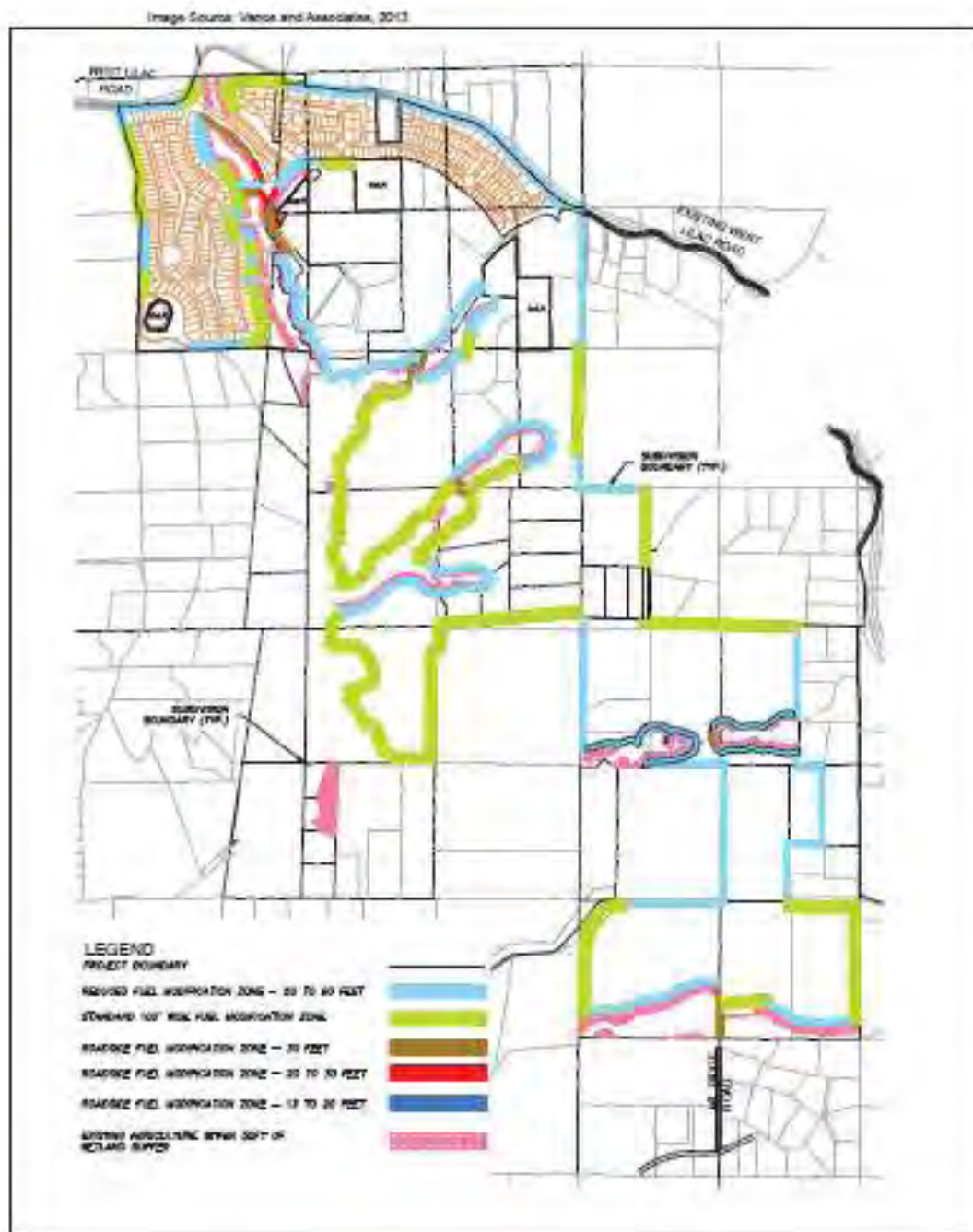
ACCESS MANAGEMENT PLAN

ACCESS POINT	DESCRIPTION	ACCESS MANAGEMENT PLAN
1	Access point from Highway 101 to Highway 102 (Northbound)	Controlled access (Signalized intersection)
2	Access point from Highway 101 to Highway 102 (Southbound)	Controlled access (Signalized intersection)
3	Access point from Highway 101 to Highway 102 (Eastbound)	Controlled access (Signalized intersection)
4	Access point from Highway 101 to Highway 102 (Westbound)	Controlled access (Signalized intersection)
5	Access point from Highway 101 to Highway 102 (Northbound)	Controlled access (Signalized intersection)
6	Access point from Highway 101 to Highway 102 (Southbound)	Controlled access (Signalized intersection)
7	Access point from Highway 101 to Highway 102 (Eastbound)	Controlled access (Signalized intersection)
8	Access point from Highway 101 to Highway 102 (Westbound)	Controlled access (Signalized intersection)
9	Access point from Highway 101 to Highway 102 (Northbound)	Controlled access (Signalized intersection)
10	Access point from Highway 101 to Highway 102 (Southbound)	Controlled access (Signalized intersection)
11	Access point from Highway 101 to Highway 102 (Eastbound)	Controlled access (Signalized intersection)
12	Access point from Highway 101 to Highway 102 (Westbound)	Controlled access (Signalized intersection)
13	Access point from Highway 101 to Highway 102 (Northbound)	Controlled access (Signalized intersection)
14	Access point from Highway 101 to Highway 102 (Southbound)	Controlled access (Signalized intersection)
15	Access point from Highway 101 to Highway 102 (Eastbound)	Controlled access (Signalized intersection)



FIGURE 2.7-1

Attachment - Figure 1.6 from Chapter 1 – LHR DEIR



Not to Scale



FIGURE 1-6
Fire Protection Plan

RECON

McClintock & Associates, Inc.

Copyright

July 8, 2014

To: Mark Slovick, Project Manager
County of San Diego Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123
Mark.Slovick@sdcountry.ca.gov
[\(858\) 495-5172](tel:(858)495-5172)

Subject: Revised DEIR Public Comments Regarding Traffic Related General Plan Consistency, and DEIR Chapters 1 and 3 Land Use Planning, Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001(GPA), PDS2012-3810-12-001 (SP).

Dear Mr. Slovick:

Attached in Attachment 1 are the August, 2013 Public Comments regarding Lilac Hills Ranch Traffic Related General Plan Consistency Issues.

The REIR either did not directly respond to each of the items or failed to adequately respond to the issues raised in this letter and its Attachments.

For example, the specific question asked regarding M-3.3 Multiple Ingress and Egress was not addressed completely in the RDEIR.

Specifically, the REIR did not provide an answer to the questions raised on every questioned element of the attached Traffic related General Plan Consistency letter.

Published County policies and specific assurance from County Staff have clearly stated that all August 2013 DEIR comments if resubmitted, will be responded to. Therefore, respond to each specific issue raised in the attached letter as part of the County's Response to Public Comments for the revised DEIR.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Jackson", is enclosed in a rectangular box.

Mark Jackson
9550 Covey Lane
Escondido, CA 92026
760-731-7327
jacksonmark92026@gmail.com

Attachments

August 16, 2013

To: Mark Slovick, Project Manager
County of San Diego Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123
Mark.Slovick@sdcounty.ca.gov
[\(858\) 495-5172](tel:(858)495-5172)

Subject: DEIR Public Comments Regarding Traffic Related Land Use, Safety and Mobility
Element General Plan Consistency Comment with regard to the Proposed Accretive Lilac Hills
Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001(GPA),
PDS2012-3810-12-001 (SP).

Dear Mr. Slovik:

Please find below the following General Plan Consistency Comments with respect to Traffic
related Land Use, Safety and Mobility General Plan Policies.

The verbatim policy is provided in quotations and our comments are the immediately following
paragraph.

Comments on Consistency with Traffic, Road Design and Safety Aspects of the San Diego County August 3, 2011 General Plan Policies

Land Use Element Policies

LU-2.9 Maintaining Rural Character:

“Consider level of service criteria, in accordance with Policy M-2.1, to determine
whether adding lanes to a Mobility Element road would adversely impact the rural
character of a community or cause significant environmental impacts. In those
instances, consider other options to mitigate LOS where appropriate.”

Consistency Analysis – The proposed Lilac Hills Ranch (LHR) Project is
inconsistent with this policy in the following areas. The LHR Project proposes
addition of Internal Urban density roads with on-road parking lanes that are
inconsistent with maintaining the rural character of surrounding Rural Land Uses

LU-12.2 Maintenance of Adequate Services:

“Require development to mitigate significant impacts to existing service levels of public facilities or services for existing residents and businesses. Provide improvements for Mobility Element roads in accordance with the Mobility Element Network Appendix matrices, which may result in ultimate build-out conditions that achieve an improved LOS but do not achieve a LOS of D or better.”

Consistency Analysis – The proposed Lilac Hills Ranch (LHR) Project is TOTALLY inconsistent with this policy in the following areas. *The project proposes to downgrade W. Lilac Road between Main Street and the planned Road 3 from the classified 2.2C to 2.2F.* The LHR Project proposes placing an additional automobile load of 20,000 Average Daily Trips on the surrounding roadways more than the adopted General Plan approved uses.

The LHR Project increases traffic on local Private and Public Roads approximately **15 times** greater than from the traffic generated by the approved General Plan

At build out the LHR Project Traffic Load exacerbates cumulative road capacity in the surrounding areas with the numerous unmitigated impacts:

2.3.S. 1 Significant Direct Impacts:

The project would have significant direct impacts to each of the road segments listed below. The mitigation for each impact is also listed, as well as the conclusion as to whether the impact would be mitigated.

- Gopher Canyon Road, between E. Vista Way and I-15 SB: No feasible mitigation. Impact would remain significant and unavoidable.
- E. Vista Way, between Gopher Canyon Road and Osborne Street: No feasible mitigation. Impact would remain significant and unavoidable.
- E. Vista Way, between SR-76 and Gopher Canyon Road: No feasible mitigation. Impact would remain significant and unavoidable.
- West Lilac Road, between Old Highway 395 and Main Street: Impact would be mitigated through improvement of the road segment to Mobility Element Road Classification 2.2C, subject to exceptions as approved by the County. Impacts would be reduced to less than significant and the project would have a significant

direct impact to each of the roadways listed above. We disagree with Chen Ryan's analysis that states that the direct impact is mitigated to less than significance by addition of traffic lights at these intersections because turn lane are not added at the intersections.

2.3.S.2 Significant Cumulative Impacts:

The project would have a significant cumulative impact to each of the roadway segments listed below. The magnitude of the impacts below cannot possibly be mitigated by the small amount of LHR project contribution in TIF fees. The impacts will remain as significant unmitigated impacts.

- Camino Del Rey between Old River Road and West Lilac Road;
- Gopher Canyon Road between E. Vista Way and I-15 SB Ramps;
- E. Vista Way between SR-76 and Gopher Canyon Road;
- E. Vista Way between Gopher Canyon Road and Osborne Street;
- Pankey Road between Pala Mesa Drive and SR-76;
- Lilac Road between Old Castle Road and Anthony Road; and
- Cole Grade Road, between Fruitvale Road and Valley Center Road.

The project would have a significant cumulative impact to each of the intersections listed below. The magnitude of the impacts below cannot possibly be mitigated by the nominal of LHR project contribution in TIF fees. The impacts will remain as significant unmitigated impacts.

- E. Vista Way/Gopher Canyon Road;
- SR-76/Old River Road/E. Vista Way;
- SR-76/Olive Hill Road/Camino Del Rey;
- SR-76/Pankey Road;
- Old Highway 395/West Lilac Road;
- I-15 SB Ramps/Gopher Canyon Road;
- I-15 NB Ramps/Gopher Canyon Road;
- Old Highway 395/E. Dulin Road;
- Miller Road/Valley Center Road;
- SR-76/Old Highway 395;
- I-15 SB Ramps/Old Highway 395; and
- I-15 SB Ramps/Old Highway 395.

The project would have a significant cumulative impact to each of the segments of the I-15 listed below.

- Between Riverside County Boundary and Old Highway 395;
- Between Old Highway 395 and SR-76;
- Between SR-76 and Old Highway;
- Between Old Highway 395 and Gopher Canyon Road;
- Between Gopher Canyon Road and Deer Springs Road;
- Between Deer Springs Road and Centre City Parkway;
- Between Centre City Parkway and El Norte Parkway; and
- Between El Norte Parkway and SR-78.

The LHR project proposes doing nothing whatsoever to mitigate its I-15 traffic impacts.

LU-12.4 Planning for Compatibility:

“Plan and site infrastructure for public utilities and public facilities in a manner compatible with community character, minimize visual and environmental impacts, and whenever feasible, locate any facilities and supporting infrastructure outside preserve areas. Require context sensitive Mobility Element road design that is compatible with community character and minimizes visual and environmental impacts; for Mobility Element roads identified in Table M-4, and LOS D or better may not be achieved.”

Please refer to our comments on LU-12.2 Maintenance of Adequate Services – Converting Rural Circulation Element 2.2 E to traffic signal controlled Urban Gridlock Environments is not compatible with General Plan Land Use design for the Adjacent Areas.

Table M-4 is included for reference:

Table M-4 Road Segments Where Adding Travel Lanes is Not Justified

Road	Classification	From	To
State Highways^a			
SR 67	4.1B Major Road with Intermittent Turn Lanes	Poway city limits	Scripps Poway Pkwy. (Lakeside)
	4.1A Major Road with Raised Median	Scripps Poway Pkwy. (Lakeside)	Sycamore Park Dr. (Lakeside)
	4.1A Major Road with Raised Median	Johnson Lake Rd. (Lakeside)	Posthill Rd. (Lakeside)
	4.1B Major Road with Intermittent Turn Lanes	11 th Street (Ramona)	Pine Street/SR-78 (Ramona)
SR-76/Pala Rd. ^b	4.1A: 4-Ln Major Road w/ Raised Median	Old Hwy 395 (Fallbrook)	I-15 SB Ramps (Fallbrook)
	2.1D Community Collector w/ Improvement Options	Pala Del Norte Rd. (Pala Pauma)	Sixth St (Pala Pauma)
Main Street/SR-78	4.2B: 4-Ln Boulevard w/ Intermittent Turn Lanes	9th St (Ramona)	Pine St (Ramona)
County Mobility Element Roads			
Alpine Blvd.	2.2A Light Collector w/ Raised Median	Boulder Rd. (Alpine)	Louise Dr. (Alpine)
Bancroft Dr.	2.2D Light Collector w/ Improvement Options	Troy St (Spring Valley)	SR-94 EB Ramps (Spring Valley)
Brianwood Rd.	2.1D Community Collector w/ Improvement Options	SR-54 WB Ramps (Sweetwater)	Robinwood Rd (Sweetwater)
Campo Rd.	4.2B Boulevard w/ Intermittent Turn Lanes	Kenwood Dr (Valle de Oro)	Conrad Dr (Valle de Oro)
Central Ave.	2.2B Light Collector w/ Continuous Turn Lane	Sweetwater Rd. (Sweetwater)	Bonita Rd. (Sweetwater)
	2.2C Light Collector w/ Intermittent Turn Lanes	Bonita Rd. (Sweetwater)	Frisbee St. (Sweetwater)

Table M-4 Road Segments Where Adding Travel Lanes is Not Justified

Road	Classification	From	To
De Luz Rd.	2.2C Light Collector w/ Intermittent Turn Lanes	Dougherty St. (Fallbrook)	W. Mission Rd. (Fallbrook)
Deer Springs Rd.	4.1B Major Road w/ Intermittent Turn Lanes	I-15 NB Ramps (NC Metro)	N Centre City Pkwy (NC Metro)
Del Dios Hwy.	2.1D Community Collector w/ Improvement Options	El Camino Del Norte (San Dieguito)	Via Rancho Pkwy (North County Metro)
E. Mission Rd.	4.2B Boulevard w/ Intermittent Turn Lanes	Live Oak Park Rd. (Fallbrook)	I-15 SB Ramps (Fallbrook)
El Apajo.	2.1A Community Collector w/ Raised Median	Villa De La Valle (San Dieguito)	Via De Santa Fe (San Dieguito)
El Camino del Norte	2.2F Light Collector w/ Reduced Shoulder	Aliso Canyon Rd. (San Dieguito)	Del Dios Hwy./Paseo Delicias (San Dieguito)
Fuerte Dr.	2.2E Light Collector	Bancroft Dr. (Valle de Oro)	Avacado Blvd. (Valle de Oro)
Jamacha Rd.	6.2 Prime Arterial	Campo Rd./SR-94 (Valle de Oro)	Fury Ln. (Valle de Oro)
	4.1B Major Road w/ Intermittent Turn Lanes	SR-125 SB Ramps (Spring Valley)	Sweetwater Rd (Spring Valley)
La Bajada/ La Granada	2.2F Light Collector w/ Reduced Shoulder	Rancho Santa Fe Rd. (San Dieguito)	Paseo Delicias (San Dieguito)
Lake Jennings Park Rd.	4.1B Major Road w/ Intermittent Turn Lanes	I-8 Business Route (Lakeside)	I-8 WB Off-Ramp (Lakeside)
Lilac Rd.	4.2B Boulevard w/ Intermittent Turn Lanes	New Road 19 (Valley Center)	Valley Center Rd. (Valley Center)
Linea del Cielo	2.2F Light Collector w/ Reduced Shoulder	El Camino Real (San Dieguito)	Rambla de las Flores (San Dieguito)
Los Coches Rd.	2.1D Community Collector w/ Improvement Options	Woodside Ave (Lakeside)	I-8 Business Route (Lakeside)
Lyons Valley Rd.	2.2B Light Collector w/ Continuous Turn Lane	Campo Rd. (Jamul)	Skyline Truck Trail (Jamul)
Maine Ave.	2.2E Light Collector	Mapleview St (Lakeside)	Woodside Ave (Lakeside)
Mapleview St.	4.1A Major Road w/ Raised Median	Maine Ave. (Lakeside)	Ashwood St (Lakeside)
Mountain Meadow Rd./ Mirar de Valle	2.1D Community Collector w/ Improvement Options	North Broadway (NC Metro)	New Road 19 (Valley Center)
New Road 19	4.2B Boulevard w/ Intermittent Turn Lanes	Mirar de Valle Road (Valley Center)	Lilac Road (Valley Center)
Old Hwy 395	2.1D Community Collector w/ Improvement Options	5th St. (Rainbow)	Interstate 15 NB ramp (Fallbrook)
Old Hwy 395	2.1A Community Collector w/ Raised Median	Interstate 15 SB ramp (Fallbrook)	Stewart Canyon Dr. (Fallbrook)

Table M-4 Road Segments Where Adding Travel Lanes is Not Justified			
Road	Classification	From	To
	2.1D Community Collector w/ Improvement Options	Pala Rd. (Fallbrook)	Dublin (W) Rd. (Fallbrook)
Paradise Valley Rd.	4.1B Major Road w/ Intermittent Turn Lanes	Elkelton Blvd (Spring Valley)	Sweetwater Rd (Spring Valley)
Paseo Delicias	2.2A Light Collector w/ Raised Median	Via De La Valle (San Dieguito)	El Camino Del Norte (San Dieguito)
Pomerado Rd.	4.1A Major Road w/ Raised Median	I-15 NB Ramps (County Islands)	Willow Creek Rd. (County Islands)
Rainbow Valley Blvd. West	2.2D Light Collector	I-15 NB Ramps (Rainbow)	Old Hwy. 395 (Rainbow)
Rancho Santa Fe Road	2.2F Light Collector w/ Reduced Shoulder	Encinitas city limits	La Bajada (San Dieguito)
San Dieguito Rd.	2.1A Community Collector w/ Raised Median	El Apajo Rd. (San Dieguito)	San Diego city limits
7 th St.	2.2E Light Collector	Elm St. (Ramona)	A St. (Ramona)
		Main St. (Ramona)	D St. (Ramona)
Valley Center Rd.	4.2A Boulevard w/ Raised Median	Miller Rd (Valley Center)	Indian Creek Rd (Valley Center)
Via de la Valle	2.1B Community Collector w/ Continuous Turn Lane	San Diego city limits (San Dieguito)	Las Planideras (San Dieguito)
	2.1E Community Collector	Las Planideras (San Dieguito)	Paseo Delicias (San Dieguito)
West Willows Rd.	2.2E Light Collector	Alpine Blvd (Alpine)	Viejas Grade Rd. (Alpine)
Wildcat Canyon Rd.	2.1D Community Collector w/ Improvement Options	Willow Rd. (Lakeside)	Barona Casino (Ramona)
Woods Valley Rd.	2.2C Light Collector w/ Intermittent Turn Lanes	Oakmont Rd (Valley Center)	Karibu Ln. (Valley Center)

Mobility Element Goals

M 1.2 - Interconnected Road Network:

“Provide an interconnected public road network with multiple connections that improve efficiency by incorporating shorter routes between trip origin and destination, disperse traffic, reduce traffic congestion in specific areas, and provide both primary and secondary access/egress routes that support emergency services during fire and other emergencies.”

The LHR project is totally inconsistent with this policy. The proposed LHR Project is requesting to increase the automotive traffic 15 times by adding traffic to the only two existing Public Roads, and adding no additional access roads out of the area. This is a significant unmitigated safety issue.

M - 2.1 Level of Service Criteria:

“Require development projects to provide associated road improvements necessary to achieve a level of service of “D” or higher on all Mobility Element roads except for those where a failing level of service has been accepted by the County pursuant to the criteria specifically identified in the accompanying text box (Criteria for Accepting a Road Classification with Level of Service E/F). When development is proposed on roads where a failing level of service has been accepted, require feasible mitigation in the form of road improvements or a fair share contribution to a road improvement program, consistent with the Mobility Element road network.”

The project is adding 20,000 additional trips greater than the General Plan approved land use. This additional traffic will be added to several roadways that were approved to operate at LOS “E”/”F” without requiring mitigation of the projects additional traffic. The impact of adding additional traffic to the roadways that are operating at LOS “E”/”F” beyond the level of service reported with the General Plan needs clarification. Can additional traffic from the proposed General Plan Amendments be allowed to further degrade the approved LOS “E”/”F” designations?

M-3.3 Multiple Ingress and Egress:

“Require development to provide multiple ingress/egress routes in conformance with State law and local regulations.”

The LHR project is inconsistent with this policy. It adds 5,185 humans to a rural area and provides no additional secondary access roads. Mountain Ridge (Private Road) is identified as a secondary access road. Accretive seeks multiple road standard exceptions that reduce road design speed, waiver compliance with fire code standards, and create safety issues.

M-4.2 Interconnected Local Roads:

“Provide an interconnected and appropriately scaled local public road network in Village and Rural Villages that reinforces the compact development patterns promoted by the Land Use Element and individual community plans.”

The development of the project proposes numerous design exceptions to reduce the width design and safety aspects of the surrounding roadways. Discussions of Design Exceptions are presented in a separate memorandum.

M - 4.4 Accommodate Emergency Vehicles:

“Design and construct public and private roads to allow for necessary access for appropriately-sized fire apparatus and emergency vehicles while accommodating outgoing vehicles from evacuating residents.”

The LHR project is inconsistent with this policy. It adds 5,185 humans to a rural area and provides no additional secondary access roads. Mountain Ridge (Private Road) is identified as a secondary access road. Accretive seeks multiple road standard exceptions that reduce road design speed, waiver compliance with fire code standards, and create safety issues.

M - 4.5 Context Sensitive Road Design:

“Design and construct roads that are compatible with the local terrain and the uses, scale and pattern of the surrounding development. Provide wildlife crossings in road design and construction where it would minimize impacts in wildlife corridors.”

The LHR Project will create significant and unmitigatable environmental impacts to West Lilac and Circle R Public Roads and Covey Lane, Rodriguez, and Mountain Ridge Private Roads by creating unmitigated hazards to wildlife in this Rural and Semi-Rural Area.

M-6.1 Designated Truck Routes:

“Minimize heavy truck traffic (generally more than 33,000 pounds and mostly used for long-haul purposes) near schools and within Villages and Residential Neighborhoods by designating official truck routes, establishing incompatible weight limits on roads unintended for frequent truck traffic, and carefully locating truck-intensive land uses.”

The development of the LHR project non-residential uses will increase trucks within the project and will add truck traffic to the offsite roadway system. Due to the number of Design Exceptions requested the adequacy of the on-site and off-site roadways needs to be assessed for their ability to handle truck traffic.

M - 9.1 Transportation Systems Management:

“Explore the provision of operational improvements (i.e. adding turn lanes, acceleration lanes, intersection improvements, etc.) that increase the effective vehicular capacity of the public road network prior to increasing the number of road lanes. Ensure operational improvements do not adversely impact the transit, bicycle, and pedestrian networks.”

The roadway improvements proposed by the project are not designed to adequately serve pedestrian and bicycle operations. The proposed improvements also need to be reassessed to provide left turn lanes at intersection onsite and offsite.

Safety Element Goals

S-14.1 Vehicular Access to Development:

“Require development to provide vehicular connections that reduce response times and facilitate access for law enforcement personnel, whenever feasible.”

The LHR project is inconsistent with this policy. It adds 5,185 humans to a rural area and provides no additional secondary access roads. Mountain Ridge (Private Road) is identified as a secondary access road. Accretive seeks multiple road standard exceptions that reduce road design speed, waiver compliance with fire code standards, and create safety issues

In addition, the LHR project has not provided a feasible solution to provide 5 minute emergency response time for fire and emergency medical services for the proposed LHR project area.

Sincerely,

Mark Jackson
9550 Covey Lane
Escondido, CA 92026
760-731-7327
jacksonmark92026@gmail.com

388/389

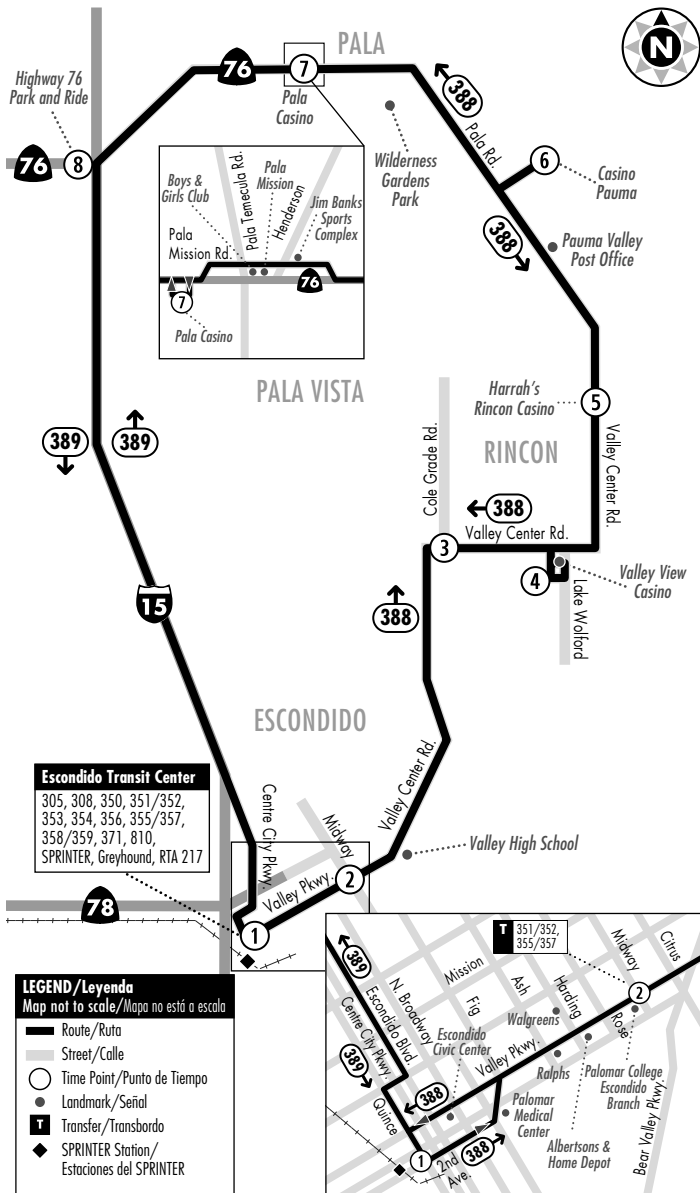
Escondido to Pala

M-F • SA • SU • H

Destinations/Destinos

- Palomar College Escondido Branch
- Regal Cinemas
- Palomar Medical Center
- Harrah's Rincon Casino

- Pala Casino
- Casino Pauma
- Valley View Casino
- East Valley Community Center
- Highway 76 Park and Ride



Bold denotes P.M. times/Horarios en negritas son en la tarde

388 Monday - Sunday Northbound to Pala via Valley Center

Escondido Transit Center	Valley Pkwy. & Midway Dr.	Valley Center Rd. & Cole Grade Rd.	Valley View Casino	Harrah's Rincon Casino	Casino Pauma	Pala Casino
1	2	3	4	5	6	7
5:03	5:17	5:33	5:44	5:53	6:07	6:28a
7:03	7:18	7:38	7:50	8:01	8:16	8:46
9:03	9:18	9:35	9:48	10:02	10:22	10:52
11:03	11:20	11:39	11:52	12:03	12:23	12:48p
1:03	1:21	1:40	1:53	2:04	2:23	2:50
3:03	3:21	3:39	3:53	4:05	4:22	4:49
5:03	5:23	5:42	5:54	6:05	6:22	6:49
7:03	7:23	7:42	7:54	8:05	8:20	8:44

388 Monday - Sunday Southbound to Escondido via Valley Center

Pala Casino	Casino Pauma	Harrah's Rincon Casino	Valley View Casino	Valley Center Rd. & Cole Grade Rd.	Valley Pkwy. & Midway Dr.	Escondido Transit Center
7	6	5	4	3	2	1
7:05	7:25	7:46	8:03	8:12	8:32	8:44a
9:05	9:25	9:46	10:03	10:12	10:32	10:44
11:05	11:25	11:46	12:03	12:12	12:32	12:44p
1:07	1:28	1:48	2:05	2:14	2:36	2:50
3:05	3:25	3:45	4:01	4:11	4:32	4:46
5:04	5:26	5:47	6:01	6:10	6:34	6:48
7:03	7:21	7:41	7:56	8:05	8:27	8:38
9:03	9:22	9:42	9:59	10:08	10:30	10:39

Routes 388 and 389 are funded in part by a federal 5311(c) grant received by the Reservation Transportation Authority.

Las Rutas 388 y 389 están respaldadas en parte por un subsidio federal 5311(c) recibido por la Autoridad de Transporte de las Reservas Indígenas.

Bold denotes P.M. times/Horarios en negritas son en la tarde

389 Monday - Sunday Northbound to Pala via Interstate 15		
Escondido Transit Center	Highway 76 & Interstate 15	Pala Casino
1	8	7
6:03	6:31	6:53 _a
8:03	8:31	8:53
10:03	10:31	10:53
12:03	12:34	12:55_p
2:03	2:32	2:53
4:03	4:33	4:52
6:03	6:33	6:51
8:03	8:32	8:52

389 Monday - Sunday Southbound to Escondido via Interstate 15		
Pala Casino	Highway 76 & Interstate 15	Escondido Transit Center
7	8	1
7:05	7:18	7:45 _a
9:05	9:17	9:44
11:05	11:18	11:46
1:07	1:20	1:47_p
3:05	3:18	3:45
5:04	5:17	5:44
7:03	7:17	7:42
9:04	9:18	9:43

Routes 388 and 389 are funded in part by a federal 5311(c) grant received by the Reservation Transportation Authority.

Las Rutas 388 y 389 están respaldadas en parte por un subsidio federal 5311(c) recibido por la Autoridad de Transporte de las Reservas Indígenas.

July 22, 2014

To: Mark Slovick, Project Manager
County of San Diego Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123
Mark.Slovick@sdcounty.ca.gov
[\(858\) 495-5172](tel:(858)495-5172)

Subject: Revised DEIR Public Comments Regarding the DEIR Chapter 2.7 Hazards with regard to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001(GPA), PDS2012-3810-12-001 (SP).

Dear Mr. Slovick:

Subject: DEIR Public Comment to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001(GPA), PDS2012-3810-12-001 (SP), DEIR Chapter 2.7 Hazards

General

The entire Hazards section identifies a single Hazard Impact HZ-1 Fuel Management Zones, and proposes ineffective mitigation of HZ-1.

The Deer Springs Fire Protection District (DSFPD) has not agreed to any of the four Options that the County has cited as valid solutions to provide 5 minute Fire and Emergency Medical Service to the Project (EMS) (please refer to Att 1 – Deer Springs Fire Minutes). In fact, the DSFPD has certified on the Project Availability Form that it can provide **an average seven minute response time** to the Project.

Fire and EMS Service - The Deer Springs Fire Protection District (DSFPD) evaluates the four Options that the County has provided as solutions to provide 5 minute Fire and EMS to the Project as Infeasible.

Options 1 and 2 are known by the County to be infeasible. The County has long had knowledge that Options 1 and 2 are infeasible. Since the County has additional knowledge on this Subject, why was it not shared with the Public in the DEIR?

Provide all correspondence, analyses and any information directly or indirectly pertaining to Lilac Hills Ranch Fire and Emergency Medical Services from, but not limited to: the Developer, County of San Diego including the San Diego County Fire Authority, and California Department of Forestry and Fire Protection (CALFIRE).

Option 1 – Use of the existing CALFIRE Miller Station is infeasible due to jurisdiction and regulatory issues between the two Fire Agencies, DSFPD district – wide service coverage considerations, and inadequate funding for a fourth Fire Station’s annual operating cost from the added potential tax revenue from the Project.

Option 2 – A separate DSFPD Fire Station at the Miller Station site is infeasible due to jurisdiction and regulatory issues between the two Fire Agencies, DSFPD district –wide service coverage considerations, and inadequate funding for a fourth Fire Station’s annual operating cost from the added potential tax revenue from the Project.

Option 3 – A new on-site DSFPD Fire Station within the Northern boundaries of the Project site is infeasible due to DSFPD district – wide service coverage considerations, and inadequate funding for a fourth Fire Station’s annual operating cost from the added potential tax revenue from the Project.

Option 4 – This option is a subterfuge from the Developer to use the siting of a Fire Station as a means to take property rights from unwilling private citizens in future Condemnation proceedings to obtain for the Developer road and sewer easement rights that this Project requires to be feasible.

The County in proposing this Alternate and presenting it as feasible is breaching its fiduciary duty to remain impartial and objective.

A new on-site DSFPD Fire Station within the boundaries of the Project site on Mountain Ridge road is infeasible due to DSFPD district – wide service coverage considerations, and inadequate funding for a fourth Fire Station’s annual operating cost from the added potential tax revenue from the Project.

Fire Protection response time - The DSFPD has certified on the Project Availability Form that it can provide **an average seven minute response time** to the Project.

As of this date, DSFPD has disagreed with all four Fire Protection Service Options listed in Subchapter 2.7 Hazards. DSFPD has responded that it intends to serve the Project from the existing Station 11 at Circle R Drive and Old Hwy 395.

Using Station 11 to serve the Project, response times for the furthest area of the Project is 9.5 minutes, and DSFPD has assessed “average” service at 7 minutes on the Project Availability Form.

This creates a Significant Impact – Failure to meet 5 minute response time, which has not been mitigated.

Counter to the County's statements in the RDEIR this is a **Significant Unmitigated Impact**.

Fuel Management Zone (FMZ) Impact HZ-1

We agree with the County that the Project has not provided the FMZ that Fire Codes require.

Refer to Chapter 1 Figure 1- 6 Fire Protection Plan. The mitigation offered by the County is that property owners surrounding the Project provide an FMZ by managing fuel loads on their own private lands for the benefit of the Project.

This mitigation offered by the County is ineffective, and requires continuous and uniform maintenance by **property owners outside the project that do not have a requirement to provide the Project's FMZ**.

The effective mitigation is for the Project to apply a uniform FMZ to Fire Code requirements on the Project's property exclusively. Please amend the Project's Tentative Map and Site Plan to reflect this and remove the Impact.

Evacuation Route Comments

The County concludes the following :

"Through implementation of the project design features included in the Evacuation Plan, impacts associated with the adequacy of an evacuation process would be **less than significant**."

This is an unsubstantiated comment by the County. We find an Impact that is not mitigated effectively.

Having read the Evacuation Plan for the proposed Lilac Hills Ranch Project for 1746 residential units and a 200 bed memory care facility, we have concerns that the 5185 persons residing in this proposed project can be safely evacuated in an emergency scenario. The Hunt and Dudek Study conclude that the likely Evacuation Population for the Project is 8200 persons – far greater than the traffic network evaluated.

The Evacuation Plan dated May 1, 2014 focuses nearly entirely on development of plans.

Evacuation Planning is important.

However, the Evacuation Plan does not adequately address the fundamental Evacuation issue for this proposed Project – capacity of available Public Roads for Evacuation.

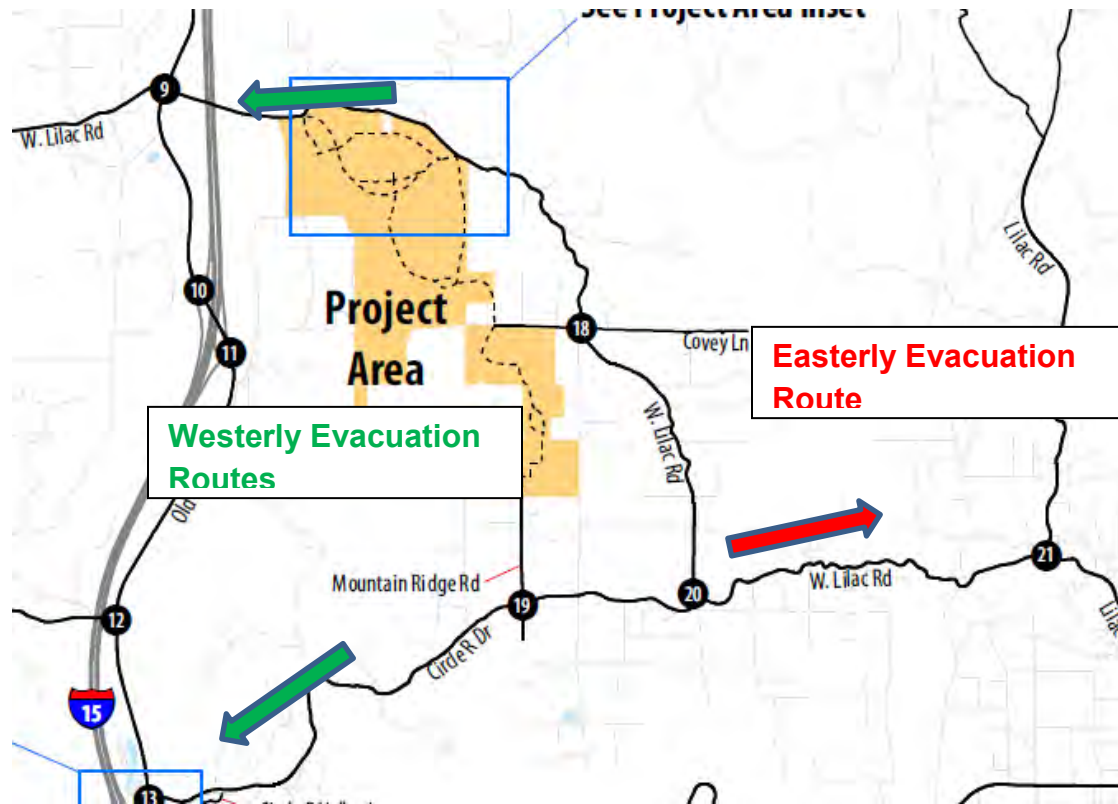
There are only two exits to the West from the Project

Only West Lilac and Circle R roads provide ingress and egress to the Project. Both are 2-lane 2.2F roads built to below standard conditions. The Project does not plan any lane additions or other improvements beyond upgrading West Lilac from the Project's Westerly entry to Old Highway 395. This limited improvement will not improve the ability for the population to safely evacuate in a Wildfire Evacuation scenario.

There is only one exit to the East from the Project

West Lilac to Lilac Road is the only Public Road to the East. This road has Horizontal and Vertical Curve radii that make it very marginal in an Evacuation scenario in which not only thousands of cars need to exit the area, but first responders need ingress.

Westerly and Easterly Evacuation Routes



In several of the May, 2014 fires, notably the Cocos fire, there were significant Urban Populations in Subdivisions with steep terrain and limited ingress and egress.

The Lilac Hills Ranch Project has similar terrain, fuel loads, and Wildfire Hazard risks.

The County has found the impacts of Wildfire Hazards to be Less than Significant **without any effective mitigation measures.**

We request that the County carefully consider the Evacuation difficulties encountered in the May, 2014 Wildfires before approving the Lilac Hills Ranch Project.

A reasonable and unbiased analysis will assess this as an Impact for which Mitigation is required.

Because of the Human Safety aspects of these Impacts, we request that the County retain a 3d party expert at the Applicant's expense to review the Impact and propose effective mitigation measures:

- **Ability for W. Lilac and Circle R to safely Evacuate the area population as well as Communities to the East for a Westerly Evacuation Scenario.**
- **Ability of West Lilac to safely Evacuate the area population for an Easterly Evacuation Scenario.**

Primary and Secondary Access use of Private Roads by the Project

The County's following statement on Page 2.7-31 is not true and is confusing:

"Successive proposed phases of development will include two access points via Covey Lane and an additional gated emergency ingress/egress via Mountain Ridge Road and Rodriquez Road. Mountain Ridge Road is accessed from Circle R Road, and Rodriquez Road is accessed via Covey Lane."

This statement infers that Rodriquez Road is used for internal circulation of the Project.

It is also inconsistent with the Evacuation Route Map on Page 16 of the May (no date) 2014 revision to the Evacuation Plan.

Mountain Ridge Private road and Covey Lane appear to be used as internal circulation roads for some mysterious and confusing portions of the Proposed Project. The Project represents that it intends to use Rodriquez Road exclusively for Emergency Access. However, there are conflicting statements made throughout the EIR regarding the Project's use of all three of these private roads.

Please specifically state in an accurate and complete manner the Project's use of Covey Lane, Mountain Ridge, and Rodriquez Road for purposes of the Project, including a straightforward thorough explanation of the use of gates to limit access to some roads. Demonstrate that whatever usage of these roads is correctly reflected throughout all REIR Project documentation.

The Project does not have legal rights to use Mountain Ridge Private Road as a Secondary Access Road for purposes the Project proposes. This is likely also true for Rodriguez Road and Covey Lane Private Roads.

Please refer to the Attachment - Att 2 Mountain Ridge Road Right Of Way limitations.

The referenced Attachment obtained from the County indicates clearly that 32 offsite parcels must grant right of way for the Project to use Mountain Ridge Road for **any** of the Project's proposed uses. To date, none of the 32 parcels have granted rights for the Project to use Mountain Ridge Road for any purpose such as Emergency Access.

The County clearly knows this, because this information was provided by the County Staff.

Yet the County continues to state in its EIR that the Project complies with the Consolidated Fire Code for Secondary Road Access. How can this be??

Please elaborate why the County believes that the Project complies with Consolidated Fire Code Secondary Access Road requirements.

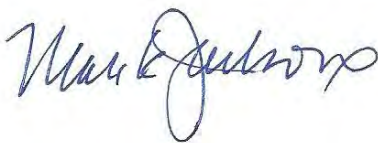
Since the Project does not comply with Secondary Access Road requirements there exists a Significant Hazard Impact – Failure to provide required Secondary Access Roads as required by San Diego County Consolidated Fire Code. The mitigation is for the Project to obtain full legal right of way for the Project to use Mountain Ridge Road for the Project's intended purposes.

Since the Project has acquired none of the required rights from offsite owners, it is a reasonable conclusion that this Significant Hazard remains unmitigated.

The County has not demonstrated that the Project is feasible to ever be built.

Question – Why is the County continuing to process this Project's General Plan Amendment when the Project clearly lacks the legal rights to be built and generates so many Hazards to the Public?

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Jackson".

Mark Jackson
9550 Covey Lane
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760-731-7327
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Att 1 Deer Springs Fire District Minutes
Att 2 Mountain Ridge ROW limitations



**DEER SPRINGS FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS MEETING**

JUNE 11, 2014

2:00 P.M.

MINUTES

1. CALL TO ORDER, ROLL CALL

President Geiser - Present

Vice-President Tebbs – Present

Secretary/Treasurer Osby – Present

Director Slaughter-Present

Director Sealey – Present

Also present –Legal Counsel and District Administrator Liz Heaton

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by President Geiser.

3. ADOPTION OF AGENDA

Director Tebbs moved to adopt the agenda, Director Slaughter seconded the motion. **Motion approved; 5-0, 5 Ayes; 0 Noes; 0 Absent; 0 Abstain.**

4. PUBLIC COMMENTS PERIOD-None

5. CONSENT CALENDAR

1) Approval of Minutes –May 14, 2014

2) Acceptance of May Finance Report-CA. Bank & Trust, General, Capital/Reserve, and Mitigation accounts.

3) Acceptance of May Monthly Mercy Medical Transports

Director Tebbs moved to adopt the consent calendar, Director Sealey seconded the motion. **Motion approved; 5-0, 5 Ayes; 0 Noes; 0 Absent; 0 Abstain**

6. COMMITTEE REPORTS

- a. Lilac Hills Ranch Development-Directors Geiser and Slaughter. Chief Amestoy submitted the FPP with no demand or influence in regards to Mountain Ridge Road improvements. The Board of Directors and guest request a copy of the correspondence sent to the County regarding the FPP. The revised REIR has been released to the public and is available for review on the County website. The Board of Directors will comment on the revised REIR by due date of July 28, 2014. Director Geiser will request from Chief Amestoy his comments and present at the July meeting. The Board of Directors continues to reiterate we cannot meet the 5 minute response time per the General Plan and will service the project within their ability. The developer continues to reference Miller Station, this is a State station not a District station. In the General Plan it states fire stations must be staffed year-round, publicly supported, and committed to providing service. These do not include stations that are not obligated by law to automatically respond to an incident.

Director Sealey made a motion for our legal counsel to provide definition with respect to the levels of service per the General Plan; 1. What does it mean to be committed to providing service? 2. What does it mean to not be obligated by law to respond to an incident? Director Tebbs seconded the motion. **Motion approved; 3-2, 3 Ayes; 2 Noes, Directors Osby and Slaughter; 0 Absent; 0 Abstain**

- b. Review of Bylaws-Directors Sealey and Tebbs-Revise Article 6

Director Sealey presented to the Board a copy of Article 6 with revisions and Policy G01, Chief Duties and Responsibilities and G02, District Administrator Duties and Responsibilities for review. These policies will be presented at the July meeting for discussion and approval. Director Sealey made a motion to adopt Article 6 of the Bylaws as revised and presented; Director Osby seconded the motion, **Motion Approved 5-0, 5 Ayes; 0 Noes, 0 Absent; 0 Abstain.**

- c. District Annual Report FY 2014/2015- No report

- d. Deer Springs Fire Vegetation/Public Nuisance Abatement Program-Directors Osby and Slaughter

The Board of Directors agreed to delete the reference to the \$25.00 fee from Ordinance 2002-03; Section 5.

7. **CHIEF'S REPORT**- No verbal report, Chief Amestoy was on vacation. A copy of this report is available in the District Office.
8. **FIRE SAFE COUNCIL REPORT**- A chipping day is scheduled for July 9, for high risk area. Please contact Craig Cook for more information.

9. UNFINISHED BUSINESS

- a. Final Budget FY 2014/2015 Approval

Director Slaughter made a motion to approve FY 2014/2015 Final Budget; Director Tebbs seconded the motion, **Motion Approved 5-0, 5 Ayes; 0 Noes, 0 Absent; 0 Abstain.**

- b. Emergency Access Easement for the District-David Bright & Robert Fougner-No Report

Access Dependency of Mountain Ridge



July 22, 2014

To: Mark Slovick, Project Manager
County of San Diego Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123
Mark.Slovick@sdcounty.ca.gov
[\(858\) 495-5172](tel:(858)495-5172)

Subject: Revised DEIR Public Comments Regarding the DEIR Chapter 3 Environmental Effects Found Not To Be Significant with regard to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001(GPA), PDS2012-3810-12-001 (SP).

Dear Mr. Slovick:

Subject: DEIR Public Comment to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001(GPA), PDS2012-3810-12-001 (SP), DEIR Chapter 3 Environmental Effects Found Not To Be Significant

In DEIR Chapter 3 the County of San Diego factually understates Significant Impacts. The County does not provide adequate substantiation for the County's Impact Assessment

Below are specific Comments on Chapter 3 Section 3.1.4 Land Use Planning and 3.1.7 Utilities Hazards:

Chapter 3.1.4 Land Use Planning **This Subchapter of the DEIR needs to include an unbiased evaluation of the Project's General Plan and Community Plan Consistency as of today, prior to a Board decision on the Project.**

The County's analysis of Land Use Planning Policy consistency as written is biased in favor of the Project without factual support for the conclusions in favor of the Project.

The County states that indeed the Project as proposed is inconsistent with dozens of major General Plan Policies. **But if** the Board approves the General Plan Amendment, **by definition** the Project would achieve consistency with the General Plan, because a Board approval of the Project will amend the General Plan.

This circular logic does not observe the fundamental tenant of CEQA – to assure that decision makers **prior** to making a land use decision are informed of the Project's Environmental Impacts, and have taken all possible measures to Mitigate Impacts.

Factually disclose to the Lead Agency Decision Makers an unbiased evaluation of the General Plan and Community Plan policies included in August 2013 Public Comment contained in the

letter Ltr 8-13-13 re General Plan and Community Plan Inconsistencies (Attachment 1) **prior to their decision.**

Our specific request is for the County to generate a matrix of each of the Policies in rows and in the first column outline the Applicant's claims of consistency which are contained in Subchapter 3.1.4. In another column, list the Public Comment position on policy consistency contained in letter Ltr 8-13-13 re General Plan and Community Plan Inconsistencies (Attachment 1).

On a policy by policy basis, assess objectively the merits of the arguments of each party.

AN OBJECTIVE ANALYSIS WILL CONCLUDE THAT THE PROJECT IS INCONSISTENT WITH DOZENS OF GENERAL PLAN AND COMMUNITY PLAN POLICIES.

LAND USE PLANNING IS A MAJOR SIGNIFICANT IMPACT THAN CANNOT BE MITIGATED BY THE PROJECT. IT BELONGS IN CHAPTER 2 "SIGNIFICANT IMPACTS".

Chapter 3.1.4 Land Use Planning - Unsubstantiated Assertion stated as fact

On page 3-88 the County asserts:

"The project is designed to meet the LEED for Neighborhood Development Certification or an equivalent program and was planned by Calthorpe and Associates in order to create a new urban village consistent with these principles."

1). Provide a document from Calthorpe and Associates certifying that Calthorpe and Associates have provided the Design of the Lilac Hills Ranch Urban Village as presented in the current version of the Lilac Hills Ranch Specific Plan.

Or remove this comment from the DEIR.

2). National Expert Kaid Benfield was on the founding LEED commission and has rated the Lilac Hills Ranch Project using a structured analytical approach that analyzes the purported sustainability of the proposed Project.

a). Please read again Kaid Benfield's analysis of the Lilac Hills Ranch Project at: <http://www.citylab.com/design/2013/09/sprawl-still-sprawl-even-if-its-green/6756/>. This information was presented to the County as a Public Comment by the Endangered Habitats League on September 3, 2013. It is included as an Attachment 2 to these comments

The DEIR ignores its existence.

The County's requirement is to present *unbiased* information to Decision Makers.

Please answer why substantiated opposing viewpoints were not incorporated into the DEIR, while unsubstantiated assertions in favor of the Project were represented as fact.

In Chapter 3 – Environmental Impacts found not to be Significant - 3.1.7.2 Analysis of Project Impacts and Determination of Significance – Waste Water Treatment Systems. The County has proposed three infeasible Sewer and Reclaimed Water Pipeline Routes.

The County has also failed to identify Significant Impacts and provide Mitigation for Significant Impacts for the only Alternate which may be feasible, Alternate 4.

A SIGNIFICANT UNMITIGATED IMPACT IS CAUSED BY THE PROJECT'S CONSTRUCTION OF SEWER AND RECYCLED WATER IN PUBLIC RIGHT OF WAY

The County's statement below from Chapter 1 page Introduction and Objectives page 1-26 is inaccurate in two areas:

"As detailed in the Wastewater Alternatives Report, all sewer line alternatives would be located entirely within existing improved/graded roadways, within public right-of-way and/or VCMWD easements and there would be adequate spacing available within the existing trenches in each of those routes to fit all required sewer service lines. No new trenching outside the existing right of way would be required."

This statement is inaccurate as follows:

1). Only Alternate 4 pipeline route *potentially* has legal right of way for construction. Alternates 1, 2, and 3 are **infeasible** because the Project factually does not have legal right of way to construct Sewer and Recycled Water Pipelines on route Alternates 1, 2, and 3.

2). Even Alternate 4 has the need for pipeline improvements outside the **existing** right of way. The Project proposes running sewer and recycled water pipeline along a future County right of way grant for a currently non-existent Covey Lane Public Road.

It is questionable whether the County is accurate in representing that Alternate 4 is feasible. Please refer to Appendix S – Waste Water Management Alternatives- Figure 3-4 B Covey Lane Utility Cross Section. The pipeline route depicted in the drawing does not have legal rights for sewer and recycled water for westerly access parcel across APN 129-010-81 beyond the westerly boundary of APN 129-010-69. Provide factual substantiation on how legal access of this route is feasible.

Also, please enumerate the legal basis of the right of the Project to run sewer and recycled water pipelines from the eastern boundary of APN 128-290-84 to the centerline of West Lilac as depicted in Figure 3-4 B Covey Lane Utility Cross Section.

EVEN IF the County can demonstrate legal right of way to construct sewer and recycled water pipeline Alternate 4, there remains two unaddressed Significant Issues – Impact of Pipeline Construction, and Impact of total consumption of right of way.

Impact of Pipeline Construction - The construction of Alternate 4 will cause a Significant and Unmitigated Impact by disrupting traffic flows and limiting access of Emergency Responders on West Lilac Road, Covey Lane Private Road, (proposed) Covey Lane Public Road, and Circle R Drive for an extended period of time – likely to be months. Based on the current configuration of these roads, construction of these pipelines will create a Hazard for months.

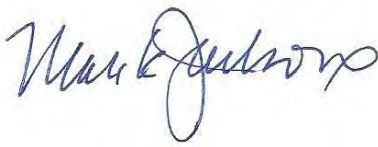
Impact of total consumption of right of way - Pipeline Alternate 4 creates another Significant and Unmitigated Impact. The placement of sewer and recycled water pipeline effectively

consumes the underground total right of way available on West Lilac Road and Circle R Drive Public Roads for much of the route to Lower Moosa Treatment facility. There is no remaining room for any other future underground utility once Lilac Hills Ranch has consumed all of the available underground right of way.

The only effective mitigation for this Significant Impact would be acquisition of additional right of way by the Project or County.

Include these Significant Impacts in DEIR Chapter 2 and remove Waste Water Treatment Systems from Chapter 3.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Jackson".

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Att 1 Ltr 8-13-13 re General Plan and Community Plan Inconsistencies
Att 2 EHL Lilac Hills Ranch Aug 2013 Public Comments

KEVIN K. JOHNSON, APLC

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JEANNE L. MacKINNON
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VIA EMAIL

August 13, 2013

Mark Slovick, Project Manager
County of San Diego Planning and Development Services
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(858) 495-5172

Subject: DEIR Public Comment to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001(GPA),PDS2012-3810-12-001 (SP)-**General Plan and Community Plan Inconsistencies**

Dear Mr. Slovick –

Our firm represents Heart of Valley Center, a California Non-Profit Corporation. On its behalf, we offer the following comments on the General Plan and Community Plan Consistency discussion in the Draft Environmental Impact Report (“DEIR”). By way of summary, the failure of the DEIR to meaningfully analyze an unprecedented number of project inconsistencies with the County General Plan and the Valley Center Community Plan requires that the DEIR be rewritten and recirculated for public review and comment.

As you are aware, inconsistency is often evidence that an inconsistent project feature will have a significant environmental effect. If the inconsistency has not been identified or analyzed, significant environmental impacts of the Lilac Hills project may likewise have not been identified or analyzed. In addition, the inconsistencies may, or (in the case of this project) do, need to be cured before the project can be approved. *See Families Unafraid v. County of El Dorado* (1998) 62 Cal.App.4th 1332(project must satisfy mandatory general plan policy that is fundamental and unambiguous).

Moreover, the type and number of GP policies requiring amendment in order to accommodate this inconsistent project will require far reaching revision of the San Diego County General Plan with appropriate comprehensive environmental review of associated impacts throughout the County.

I. GENERAL PLAN INCONSISTENCY OVERVIEW

In comments submitted over the last year, the Valley Center Planning Group and the Valley Center Design Review Board have challenged the proponent's assertions that this Specific Plan/General Plan Amendment ("SP/GPA") is consistent with the adopted County General Plan ("GP"), or with Valley Center's Community Plan ("VCCP"), or with Valley Center Design Guidelines.

These previous comments, which are attached hereto as Exhibits 1-2 are incorporated herein by reference, submitted as part of the public comments on this DEIR and require a response. These previous comments have also challenged the logic exhibited throughout the Specific Plan and now in the DEIR: that amending a particular GP Regional Category to suit the project somehow also reconciles the project's inconsistencies with a wide array of General and Community Plan Goals and Policies.

The proposed SP/GPA is inconsistent in broad and fundamental ways with the San Diego County General Plan and the Valley Center Community Plan. Further, the DEIR fails to disclose and analyze these broad and fundamental inconsistencies and their environmental consequences as CEQA requires. The DEIR is derelict in concluding as it does that: *"Overall the project would be consistent with the General Plan; therefore land use impacts associated with policy inconsistencies would be **less than significant**"* (DEIR Chapter 3 Environmental Effects Found Not To Be Significant p. 3-65). As explained below, the project presents multiple inconsistencies with the GP and VCCP and a "reasonable person" could not find this project to be consistent with either the GP or the VCCP. See *No Oil v. City of Los Angeles* (1987) 196 Cal.App.3d 223, 242; *Mitchell v. County of Orange* (1985) 165 Cal.App.3d 1185.

This DEIR fails to perform the analyses required for decision makers, first, to understand the parameters of this proposal, and, second, to appreciate the nature and reach of its impacts. The DEIR does not even have a rudimentary analysis of Consistency with the General Plan.

Internal consistency of all County General Plans in California is required by California State Law. Therefore, in considering a Specific Plan, particularly one that requires amendments to an adopted General Plan, it is crucial to understand exactly where the Specific Plan is inconsistent with General Plan regional categories, land use designations and road classifications, principles, elements, goals and policies.

A Specific Plan is an implementation vehicle. Approval requires compliance with CEQA. A DEIR must examine consistency issues including the web of interconnected and mutually-supporting elements, goals, policies and maps of the County General Plan. 14 Cal. Code Regs. Section 15125(d). Inconsistency requires denial of the project, re-design of the project or amending the General Plan to fit the Specific Plan – the tail wagging the dog.

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Making major changes to, for example, the Land Use, Mobility and Safety Elements in the San Diego County General Plan to achieve consistency with the proposed Specific Plan will require revisiting the environmental impacts of the entire San Diego County General Plan. Specific amendments, if not pursued with great caution, would possibly invalidate the entire San Diego County General Plan based upon internal consistency defects.

These are all of course very serious issues for the entire County. Accordingly, both the law and sound public policy require that the DEIR for this SP/GPA analyze specifically and individually the General Plan Vision and Guiding Principles and the reflection of these in the Community Development Model, as well as specific goals, policies and relevant maps across the GP's seven elements: Land Use, Mobility, Conservation and Open Space, Housing, Safety and Noise. The goals and policies of the Bonsall and Valley Center Community Plans must also be considered.

Once inconsistencies are disclosed there are only three ways to resolve them: reject the project, re-design the project, or re-build the County General Plan to suit these applicants. Inconsistencies with General and Community Plans, Design Guidelines and other ordinances and policies are NOT subordinate to this project's Specific Plan, as the Specific Plan asserts.

California Government Code Section 65454 "Consistency with General Plan" provides:

No specific plan may be adopted or amended unless the proposed plan or amendment is consistent with the General Plan.

As detailed below, the Accretive Lilac Hills SP is inconsistent with multiple principles, goals and policies of the County General Plan and the VCCP. These inconsistencies must be fully identified, analyzed and cured.

II. GP AMENDMENTS NECESSARY TO ACCOMMODATE THIS SP/GPA WILL REQUIRE REJECTING THE GP'S FOUNDATIONAL VISION OF SMART GROWTH AND ELIMINATING MANY GP POLICIES SUPPORTING IT.

It is manifestly not the intention of the San Diego County General Plan to drop "new villages" into semi-rural and rural areas. To the contrary, the County General Plan is rooted in its "Smart Growth" intention. Smart Growth is a two-sided concept. On the one hand, Smart Growth locates future development in areas where infrastructure is established; and on the other hand, Smart Growth also retains and/or enhances the County's rural character, economy, environmental resources, and unique communities. These are integrated, co-dependent concepts. They work together.

The proposal to drop a dense, from-scratch 608-acre Village of 5000 people into

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several thousand acres of infrastructure-lacking, Semi-Rural and Rural land is fundamentally inconsistent with the County's commitment to "sustainable development." This foundational concept is described at length in the introduction to the County General Plan; and it is expressed across the web of interdependent GP Guiding Principles, Goals and Policies that have been put in place to bring about the County's Smart Growth Vision. To reject this Vision now will, in essence, require an entirely new County General Plan.

III. PARAMOUNT AMONG THE PROJECT'S GP INCONSISTENCIES IS ITS FAILURE TO COMPLY WITH LAND USE GOAL LU-1 AND POLICY LU-1-2

Consistency with Land Use Goal LU-1 and with Policy LU-1.2 is especially crucial for this project's approval. These provisions speak directly to the requirements for establishing NEW villages in San Diego County. They emphasize the primacy of the Land Use Element and the Community Development Model, and prohibition of Leapfrog Development.

Land Use Element Goal LU-1: Primacy of the Land Use Element. *A land use plan and development doctrine that sustain the intent and integrity of the Community Development Model and the boundaries between Regional Categories.*

Land Use Element Policy LU-1.2: Leapfrog Development. *Prohibit leapfrog development which is inconsistent with the Community Development Model. Leapfrog Development restrictions do not apply to new villages that are designed to be consistent with the Community Development Model, that provide necessary services and facilities, and that are designed to meet the LEED- Neighborhood Development Certification [LEED ND] or an equivalent. For purposes of this policy, leapfrog development is defined as Village densities located away from established Villages or outside established water and sewer service boundaries. (See applicable community plan for possible relevant policies.)*

The DEIR for this SP/GPA asserts that the project is consistent with GP Policy LU-1.2. But, this is clearly not the case. The SP/GPA fails in the most fundamental ways to respect the County's commitment to sustainable development.

- A. The project is inconsistent with the GP Community Development Model,
- B. The project is inconsistent with LEED ND standards,
- C. The project is inconsistent with the 3rd requirement for waiving the prohibition on leapfrog development: provide necessary services and facilities. Among other impacts, the project requires (at least) ten (10) modifications to the County road standards to REDUCE capacities to sub-standard levels. Traffic impacts are significant and deemed unmitigable by the DEIR and the project fails to meet 5 minute response times for Fire and Emergency Medical Services.

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The project also fails to present a legal and viable point design for sewage and waste water treatment and there is insufficient, unavailable right of way for private roads into and out of the proposed development.

A. The Accretive SP/GPA is Inconsistent with the GP Community Development Model

The proposal, by definition, is inconsistent with the Community Development Model because consistency can be achieved only by amending the General Plan to fit the project. The General Plan states (San Diego County General Plan: Land Use Framework; Community Development Model, p.3-6): *"The Community Development Model directs the highest intensities and greatest mix of new uses to Village areas, while directing lower-intensity uses, such as estate-style residential lots and agricultural operations to Semi-Rural areas To facilitate a regional perspective the Regional Categories of Village, Semi-Rural and Rural Lands have been applied to all privately-owned lands ..."*

First, as the above statement in the County General Plan makes clear, **the Community Development Model is *not* a moveable abstract concept**. If this were true then Village "puzzle pieces" could be dropped into Semi-Rural and Rural lands anywhere in the County and pronounced consistent with the Community Development Model.

Rather, the Community Development Model reflects a complex of planning principles and ideas that are expressed through the whole system of the General Plan's Regional Categories. Amending a Regional Category, therefore, requires also amending the network of planning concepts that the category implements, for example:

1. The General Plan states (pp.3-7), *"Village areas function as the center of community planning areas and contain the highest population and development densities. Village areas are typically served by both water and wastewater systems. Ideally, a Village would reflect a development pattern that is characterized as compact, higher density development that is located within walking distance of commercial services, employment centers, civic uses, and transit when feasible."*
2. The proposed site is designated not for Village development but for large semi-rural parcels (SR 10 and SR-4). This SP/GPA proposes to place a high density Village into the middle of an area that the Community Development Model designates for Semi-Rural and Rural development. This action requires **AMENDING** the Community Development Model. Instead, with no discussion or analysis, the SP/GPA and the DEIR all assert that consistency with the Community Development model is achieved with a simple change to the Land Use map.

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3. The site abuts SR-4, SR-10 and Rural-40 acreage. The Community Development Model **requires** a “feathering” of residential densities from intense Village development to SR-0.5, SR-1, SR-2, SR-4, and so forth. (GP pp. 2-8 through 2-9) The Accretive SP/GPA is inconsistent with the concept of feathering which is reflected properly in the current pattern of land use designations in Valley Center’s central valley.
4. This SP/GPA is located many miles from areas that the Community Development Model designates for Village development and miles from employment centers, shopping, entertainment, medical services, and civic organizations and activities.
5. Regarding infrastructure, there are few existing roads in the area. They are built and planned to service Semi-Rural and Rural development, as in the current General and Community Plans. Despite proposing intense Village development, the proponents also propose to retain or **reduce** capacities of these roads. Water infrastructure serves 50 homes and agricultural irrigation. There is no wastewater service.
6. The intent of the Community Development Model is to intensify development in **existing** Villages -- not to create NEW Villages through the destruction of Semi-Rural and Rural lands. The Community Development Model was applied in Valley Center during the General Plan update process. Village boundaries were drawn. Village densities were planned to feather from the commercial and mixed use core to meet the Semi-Rural designations. Twenty-five percent (25%) of the community’s future development is now planned for the “Village” area in the center of the Valley Center Planning Area, at the community’s traditional “crossroads” where road, water and wastewater infrastructure, as well as schools, churches, shops and businesses are **already** in place.
7. A key component of including a Community Development Model in the General Plan with “integrity” was to create a framework for future growth in and around existing villages. The DEIR ignores this GP concept by concluding that a high density project placed in a semi-rural and rural area would not be growth inducing. This conclusion defies reality and contradicts the General Plan which identifies existing villages as the hubs for growth.
8. The lands surrounding the proposed project (and some lands which the proposed project surrounds) will still be designated at lower semi-rural densities than the village densities proposed for the Accretive SP/GPA. Into the future, these land owners will likely seek similar higher density treatment. The County has a long track record of approving General Plan Amendments that increase density using the density of adjacent properties as justification. The DEIR claims that this would not occur, but history and reality have proven otherwise.

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9. The DEIR refers to the Property Specific Request (PSR) General Plan Amendment process that was directed by the Board of Supervisors and claims that the project is not growth inducing. This suggestion is misleading. The outcome of the PSR/GPA process remains to be seen. Approval is not a foregone conclusion and processing will be lengthy. More likely is that approval of the Accretive Lilac Hills project would usher approval of the PSRs/GPAs in Valley Center, thus inducing unplanned growth of this area.

Second, the project design defies the GP principles, goals and policies for Village development and for Village expansion, which the Community Development Model reflects.

1. The 608-acre project site, only a portion of which is actually owned by the applicant, sprawls 2 miles N-S, and 2 miles E-W across several thousand acres, largely in active agriculture. These surrounding acres are owned by people whose dreams and ambitions for their rural properties are in accord with the Community Development Model's Regional Category assignment: Semi-Rural and Rural.
2. The sprawling site creates some 8 miles of edge effects that will threaten surrounding agriculture, horticulture and animal husbandry that the GP Community Development Model protects by designating this area for Semi-Rural and Rural development. This sprawling shape also increases the likelihood that the proposed project will be growth inducing as previously mentioned.
3. With 1746 units and 90,000 SF of commercial on 608-acres, there is insufficient land available for "feathering" residential densities as the Community Development Model intends and describes.
4. The site requires 3 separate commercial nodes to support the "walk-able" claim. The project cannot be characterized as a "walk-able Village" when it is, in fact, three circles of dense housing. Two of these housing areas are at least a mile from what the Community Development Model would characterize as Village amenities. The LEED Neighborhood Development standard ("LEED ND") for "walking distance" is ½ mile, the GP also cites ½ mile (GP, p.3-8).
5. This is not the "walk-able" compact Village it purports to be. The faux Town Center is more than one and a half miles from the ½ mile standard required by LEED ND and cited in the General Plan.
6. The proximity of Rural Lands to the project presents wildfire threats which the applicant's Fire Protection and Evacuation Plans recognize. However the threats are not adequately mitigated. In addition to wildfire, the Accretive project adds the additional hazards of Urban Multi Story Structure Fires and nearly two orders of magnitudes increased volume and complexity of Emergency Medical Services

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(EMS). The Accretive Fire Protection Plan barely mentions the Structures and EMS hazard potential, and does not provide reasonable mitigation plans. The Deer Springs Fire Protection District (DSFPD) has gone on the record three times (6/12/2012, 3/5/2013 and 8/7/2013) stating that DSFPD has major issues with the Project as proposed. Accretive has glossed over these issues raised by a Public Safety agency and the County has allowed the Project to proceed in the General Plan Amendment process. The DEIR needs to specifically address the issues raised by the DSFPD.

B. The Accretive SP/GPA is Inconsistent with LEED Neighborhood Development Certification standards

Compliance with LEED Neighborhood Development Certification standards is a second critical requirement for this project. Without meaningful analyses required by CEQA, the DEIR merely asserts compliance with LEED-Neighborhood Development requirement.

The DEIR is required to comprehensively address the numerous and exacting requirements of LEED Neighborhood Development Certification ("LEED ND"). If the County is not applying LEED ND but an "equivalent standard" as policy LU1-2 allows, the DEIR analysis must name the standard and show how it is equivalent.

We believe there is no recognized equivalent to LEED ND.

Attached hereto as Exhibit "3" are key excerpts from the booklet, ***LEED 2009 FOR NEIGHBORHOOD DEVELOPMENT***. However, the DEIR, in analyzing consistency, should consider the entire publication where these exacting standards are discussed and illustrated in detail. The booklet is published by the U.S. Green Building Council and is available on its website, USGBC.org.

As the attached excerpts make clear, to obtain LEED ND Certification, certain location, conservation and design criteria are mandatory. This means that, regardless of how many "points" are accumulated for "green" amenities, LEED ND Certification cannot be achieved without meeting essential standards in particular categories.

GP LU Policy 1-2 provides that the Accretive SP/GPA must comply with all essential standards that are required for LEED-Neighborhood Development Certification. These standards include the following:

SMART LOCATION and LINKAGE

These are PRE-REQUISITE criteria. Compliance is mandatory.

Prerequisite 1 Smart Location

Prerequisite 2 Imperiled Species and Ecological Communities

Prerequisite 3 Wetland and Water Body Conservation

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Prerequisite 4 Agricultural Land Conservation
Prerequisite 5 Floodplain Avoidance

NEIGHBORHOOD PATTERN AND DESIGN

These are PRE-REQUISITE criteria. Compliance is mandatory.

Prerequisite 1 Walkable Streets
Prerequisite 2 Compact Development
Prerequisite 3 Connected and Open Community

Accretive's SP/GPA fails to meet fundamental requirements for LEED ND Certification for the following reasons:

1. **The site is not a "Smart Location."** (See p. 1 LEED 2009 for Neighborhood Development ("LEED 2009") attached hereto as Exhibit 3). The EIR concludes that the project is consistent with LEED ND but completely overlooks its mandatory site selection requirements. Further, the EIR does not address how this site selection aspect of LEED ND can simply be overlooked when the LEED program was specifically designed to "place emphasis" on site selection. A fundamental premise of Smart Growth is to lower automobile dependency as compared to average development. The SANDAG average miles/trip for all of San Diego County is 5.8 miles/trip. The SANDAG average miles/trip for unincorporated San Diego County is about 13 miles/trip which is why the region is directing growth to the incorporated cities and existing villages. Accretive is proposing an automobile based urban sprawl community that even with exceedingly high and unsubstantiated internal trip rate estimates (see traffic analysis submitted under separate cover) is 47% higher than the San Diego County average (8.52/5.8) trip distance.
2. **The site is too large (exceeds the 320-acre maximum size).** (See p. xvi LEED 2009) This maximum area is based on critical factors such as providing the appropriate density of services and neighborhoods within a compact community and achieving walkability. The EIR fails to address how the project is still in compliance with the LEED ND program when it exceeds a standard that was determined by the "core committee's research."
3. **The proposed SP/GPA fails to meet LEED ND standards for a "walkable" neighborhood** (See p. xvi LEED 2009). The DEIR repeatedly asserts that the proposed project will be "walkable". However, the only "evidence" provided of "walkability" consists of three circles on a map and a suggestion that someone could walk to someplace within any circle. This does not evidence or constitute a walkable community. The LEED ND standards were developed through the research of a core committee which suggests that a walkable neighborhood is no more than 320 acres and all services, civic uses, employment, and high density housing are contained within that 320 acres.

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Describing the proposed project as walkable is unsubstantiated and misleading. Further, technical analyses that rely on the unfounded and unsubstantiated premise that the project is walkable have impacted the assessment of impacts and thereby likely underestimated the impacts of the project on traffic, air quality, and greenhouse gas emissions.

4. **The proposed project is neither an infill site nor a new development proximate to diverse uses or adjacent to connected and previously developed land. It is sprawl placed into a functioning agricultural area, with no existing infrastructure.** (See p. 1 LEED 2009) The objectives of the LEED ND program are clearly compatible and in alignment with the guiding principles of the County of San Diego's General Plan and with the siting of "new green neighborhoods." As a result, the LEED ND program was integrated into the Leapfrog development policy of the General Plan. Any proposed deviation from LEED ND, such as ignoring siting criteria, size restrictions, and density guidelines, should be carefully scrutinized for significant environmental impacts.
5. **Because a site design is not available for the Town Center area we have no way of knowing whether this area itself complies with LEED ND standards.** The Specific Plan claims compliance, but this claim is not substantiated.
6. **The site is not served by existing water infrastructure that is adequate to serve urban density.** Water infrastructure is designed for agricultural users and needs significant revision for high density Urban uses. There is no wastewater infrastructure.
7. **No water or wastewater service is planned to serve urban development of this area.** (See p. 1 LEED 2009) The General Plan and the VCMWD's plans do not currently call for expansion of the infrastructure required for a project such as this. The Project clearly must provide new water and wastewater infrastructure but it cannot do so because Accretive does not own sufficient easements for sewer and wastewater lines. (See Letter from Kevin K. Johnson APLC regarding Wastewater Management Alternatives Study submitted to the County on August 9, 2013).
8. **The Project description demonstrates that the SP/GPA cannot satisfy ANY of the 3 OPTIONS for the Smart Location REQUIREMENT**(See p. 1 LEED 2009):
 - a. It is not an Infill Project.
 - b. It is not an Adjacent Site with Connectivity (does NOT have is at least 90 intersections/square mile as measured within a 1/2-mile distance of a continuous segment of the project boundary, equal to or greater than 25% of the project) boundary, that is adjacent to previous development.

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- c. The site is not designed as a Transit Corridor or Route with Adequate Transit Service. The only mass transit consists of two bus routes located 4 miles north of the Project which run the circuit of the 4 Indian Casinos on SR- 76.
- d. None of the LEED ND significant public transit service requirements are met by the proposed circulation system.
- e. The only transit mentioned by the Specific Plan and/or the DEIR is that NCTD might consider a bus stop serving part of the project. This is inadequate.

C. The Accretive SP/GPA fails to provide necessary services and facilities for the intense urbanization being proposed.

1. ROADS. Traffic impacts are significant and the applicant has proposed no acceptable mitigation measures.

Accretive proposes Village development of a rural area but it **does not propose Village capacity roads** necessary to accommodate the traffic that will be generated by the Village project. Incongruently, and not disclosed or analyzed openly in the SP or the DEIR, the applicant has proposed ten (10) modifications to the County Road Standards that will *reduce capacities* of roads that were planned, in the first place, to accommodate Rural and Semi-Rural residential development.

One key purpose of the General Plan Mobility Element and County Road Standards is to specify road standards and automobile capacities that are necessary to serve surrounding land uses throughout the County. Land Use and Mobility Elements are coordinated and interrelated. Village-capacity roads are specified as necessary to serve Village land uses. Degrading road capacity standards will likely cause a variety of known and unknown environmental impacts.

In essence, the applicant proposes to compromise standards that are employed uniformly across the County in order to win for themselves entitlements to urbanize land uses -- without responsibility for urbanizing road capacities. Specifically, they propose to add 20,000 Average Daily Trips to Mobility Element roads, and to pass the real costs of improving these roads on to the taxpayers. They seek "consistency" with County planning standards not by complying with them, but by relaxing them.

For example, their proposal is to **DOWNGRADE** West Lilac Road from its current Class 2.2C to a reduced-capacity Class 2.2F (DEIR Ch. 3, p. 65). They further propose that two segments of West Lilac Road and one segment of Old Highway 395, which will operate at unacceptable Levels of Service E and F as a result of the Project be sanctioned as official "exceptions" to the County standard for minimum Level of Service. TIF fees of approximately \$5 Million are utterly inadequate to afford the road reconstruction necessary to service this development's traffic. The Valley Center Road widening five years ago cost in excess of \$50 million.

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In remote places road improvement costs are often enough to make projects infeasible. Here the project applicant argues *against* improving roads to capacities that are functional and safe because it:

- is too difficult and costly
- will require rights-of-way that may be unobtainable
- will be time consuming to construct
- will be disruptive to off-site property owners
- will face opposition from existing neighbors
- will require condemnation of right-of-way
- will impact biological open space

These are, of course, the exact reasons why the San Diego County General Plan and LEED Neighborhood Development both direct urban development away from undeveloped sites like this one into areas where infrastructure, necessities and amenities required for urban dwellers are already present. In other words, the clear goal is to avoid sprawl.

The proposed SP/GPA will add 5000 urban residents to country roads while *reducing* road widths, *reducing* road design speeds and *ignoring other standards* established for safe, efficient transportation. The proposal:

- Fails to provide necessary services and facilities
- Is inconsistent with GP premises that development will pay for itself;
- Is inconsistent with the GP minimum standard for LOS D on County roads;
- Compromises the safety, comfort and quality of life of prospective residents as well as all the other residents of Valley Center who depend on these Mobility Element roads.

Sanctioning the requested road standard exemptions will create significant long term SAFETY and liability issues for the County of San Diego.

2. INTERSECTIONS. Additionally, in order to meet County Road Standards, two out of four secondary access intersections (Covey Lane and Mountain Ridge) with public roads will require the use of County prescriptive rights (for continual brush clearance) and eminent domain (to secure land from unwilling property owners). Accretive Investments has filed Sight Distance Analyses on these two intersections that confirm the above assertion.

3. RESPONSE TIME. The SP/GPA fails to meet 5 minute response time for Fire and Emergency Medical Services. The Deer Springs Fire Protection District has commented in writing that none of the proposed options listed in the Specific Plan and Fire Protection Plan are feasible solutions for the District to meet the 5 minute emergency

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response requirement for Lilac Hills Ranch.

4. WASTEWATER TREATMENT. The project fails to present a legal and viable point (site location and sewage and waste water treatment functional description) design for sewage and waste water treatment. The preferred option listed by the applicant lacks legal right of way for offsite sewer and recycled water pipelines.

IV. THE ACCRETIVE S/GPA IS INCONSISTENT WITH THE PURPOSE, INTENT AND GUIDING PRINCIPLES OF THE COUNTY GENERAL PLAN ,

A. Purpose of the General Plan. Chapter 1 of the General Plan contains in its Introduction and Overview an array of highly relevant directives that the DEIR fails to identify and discuss.

*The General Plan must be referred to in its entirety, including separately bound portions (such as community plans). While the General Plan is internally consistent, some issues are addressed through multiple policies and some receive refined and more detailed direction in community plans.
(GP at p.1-4)*

1) Policies cannot be applied independently.

2) If you are a SD County resident or property owner, the General Plan indicates the general types of uses that are permitted around your home and changes that may affect your neighborhood, and the policies the County will use to evaluate development applications that might affect you or your neighbors. The Plan also informs you regarding how the County plans to improve mobility infrastructure, continue to provide adequate parks, schools, police, fire, and other public services, protect valued open spaces and environmental resources ...

3) Future development decisions must be consistent with the Plan.

4) The essence of the Plan lies in its goals, policies, and implementation programs.

*5) Policies provide guidance to assist the County as it makes decisions relating to each goal and indicates a commitment by the County to a particular course of action.
(GP at p.1-5)*

B. General Plan Guiding Principles. These Guiding Principles are intended to GUIDE development and conservation in San Diego County.

Advance Planning Staff worked with hundreds of stakeholders-citizens, property owners, real estate developers, environmentalists, agricultural organizations, building

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industry representatives, and professional planners-for years to create a General Plan that would build what is reasonably needed, and to conserve what we must. These Guiding Principles gave birth to the Community Development Model, and to the systematic method through which planning principle, and the County's commitment to authentic sustainable development, was transferred from human hearts and minds to the ground.

The DEIR should, but does not, thoroughly discuss and analyze the GP Guiding Principles (GP pp. 2-6 through 2-15), but merely cursorily sets them out and in some cases, without analysis of to the factual aspects of the Accretive project, asserts compliance.

The following discussion reviews several key **San Diego County General Plan Guiding Principles**, their application to the proposed project and reveals the project's failure to comply with these guiding principles.

:

Guiding Principle 1: Support a reasonable share of regional population growth. (GP p. 2-6)

The DEIR fails to note that the GP forecasts Valley Center to have 9,796 residential housing units at the end of 2030, the General Plan planning horizon. (GP Housing Element Update Report p. 41). At the average Valley Center persons/house factor of 2.97 persons, this equates to a residential population at build-out of 29,094, not the 41,000-plus that would result from this project's placement of a new city in the middle of a well-functioning agricultural area. This discrepancy is not recognized or analyzed. Additionally, the General Plan already accommodates more growth than SANDAG projects for 2050. In this context, the DEIR fails to justify the need for 1,746 additional homes and 90,000 additional SF of commercial.

There are significant environmental and planning consequences from providing an excess of housing and employment in a rural area that are not addressed in the DEIR:

1. As a region, with SANDAG providing coordination, we have been trying to steer growth to incorporated cities where transportation investments are occurring and goods, services, and employment are in abundance. The proposed project undermines this effort. It contradicts growth principles that all jurisdictions have developed through SANDAG, and conflicts with the Regional Transportation Plan and Sustainable Communities Strategy (SCS).
2. The SCS is the region's strategy for addressing GHG emissions targets for land use and transportation yet the DEIR fails to address the consequences of the proposed project conflicting with it.
3. By providing a glut of housing in a rural area, the proposed project throws a wrench in the region's growth strategy. The provision of more

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homes in Valley Center will reduce the demands for homes elsewhere. Generally, it has been the incorporated cities that have needed to plan for more homes to accommodate future regional growth. The proposed project will eliminate that need by 1,746 homes. If built in the incorporated cities pursuant to regional plans, these homes would have shorter vehicle trip lengths, be closer to transit, jobs, and services, and use less water and electricity. The DEIR fails to address these consequences.

There are also impacts of providing excessive commercial uses. The proposed project plans for commercial uses in excess of local and regional forecasted needs. There are two possible consequences of this situation:

1. The commercial space in the proposed project will remain vacant and the town center will not function as intended;
2. The proposed project will pull commercial uses from other existing commercial areas nearby such as the Valley Center and Bonsall town centers. This will result in vacancies and blight in these village centers and will undermine their growth strategy and vision.

The DEIR needs to include a comprehensive economic study of the proposed project and its economic viability within the context of community and regional plans. The results of such a study will reveal grounds for the evaluation of additional environmental impacts of the project.

Guiding Principle 2: Promote health and sustainability by locating new growth near existing and planned infrastructure, services and jobs in a compact pattern of development. (GP p. 2-7)

As previously discussed, the Accretive project site lacks both existing and planned infrastructure. Infrastructure proposed by the project cannot be provided at a level consistent with County standards. The proposed project is not a compact pattern of development. It sprawls over 2 miles and has to include 3 town centers rather than 1 to try to support the claim that it is “walkable” and thus, presumably, compact.

The project and DEIR fail to analyze this inconsistency with Guiding Principle 2 (and its implementing Goals and Policies) and attempt to avoid it with the fiction that adopting a map with different land use designations for 608 acres will create compliance with the County General Plan.

The GP and VC Community Plan currently embody and comply with Guiding Principle 2, with the design for the central Villages and the feathered-out supporting semi-rural and rural designations. The Accretive project is inconsistent with and would destroy that design and compliance.

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Guiding Principle 3: Reinforce the vitality, local economy, and individual character of existing communities when planning new housing, employment, and recreational opportunities. (GP p. 2-9)

The Accretive project does not comply with or implement this Principle. The DEIR fails to recognize Valley Center's two existing villages or analyze the impact of the Project on the existing and proposed central Village economy and character. In its inadequate discussion of the key CEQA issue whether the project will physically "Divide an Established Community" the DEIR states that there is no established community! (DEIR Ch. 3, section 3.2.4, p. 3-120.) and thus there is no need to address this issue in the DEIR. The central valley villages DO exist, they are the heart of the existing Valley Center community, and they are where the GP and CP plan Valley Center's future growth consistent with the General Plan. Consistency with Guiding Principle 3 must be fully analyzed in the DEIR.

Guiding Principle 4: Promote environmental stewardship that protects the range of natural resources and habitats that uniquely define the County's character and ecological importance. (GP 2-10)

The Project fails to comply with this principle and proposes bulldozing 4 Million cubic yards of natural hills to make manufactured slopes to accommodate an urban-styled city in an active and productive agricultural area.

Guiding Principle 5: Ensure that development accounts for physical constraints and the natural hazards of the land. (GP 2-11)

In contrast to this principle, the Project proposes bulldozing 4 Million cubic yards of natural hills to make manufactured slopes, to accommodate an urban-styled city in an active and productive agricultural area.

Guiding Principle 6: Provide and support a multi-modal transportation network that enhances connectivity and supports community development patterns and, when appropriate, plan for development which supports public transportation. (GP 2-11)

The DEIR indicates that NCTD might be interested in a bus stop. The project is isolated from existing villages and entirely car-dependent. If approved there are no commercial amenities, no schools, and no parks until phase 3, 6-8 years after building phase one houses in an area entirely removed from public transportation. The Project does not have easement rights for the required ingress and egress to the planned homes. If the homes were constructed, they would undermine rather than enhance existing connectivity by the applicant's request to downgrade a portion of West Lilac Road from a 2.2C Circulation Element road to a 2.2F Circulation Element road.

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In short, my adding 5,185 residents in an automobile dependent commuter community with no access to public transit and with a degradation in road standards, the project will degrade emergency ingress and egress for fire, law enforcement and evacuation in the event of fire and detract from, not support, community development patterns in the existing central Villages.

Guiding Principle 7: Maintain environmentally sustainable communities and reduce green house gas emissions that contribute to climate change. (GP p. 2-12)

This Project claims it is environmentally sustainable, but ignores fundamental requirements for sustainable building where substantial investments have already been made in urban infrastructure and amenities. Moreover, the project replaces agricultural operations and functioning rural lands that genuine “sustainable development” would preserve and protect. The characterization of the project as “sustainable” is without factual support and undermines the ability of the public and decisions makers to reasonably evaluate the project and its impacts.

Guiding Principle 8: Preserve agriculture as an integral component of the region’s economy, character, and open space network. (GP p. 2-13)

The Project conflicts with this principle by removing 504 acres of productive agricultural lands from use and replacing this valuable acreage with an urban city. The DEIR relies on an inappropriate model to devalue existing productive agriculture and ignores the reality that the project site and surrounding area contain some of the most unique and valuable agricultural operations in the region.

Guiding Principle 9: Minimize public costs of infrastructure and services and correlate their timing with new development. (GP p. 2-14)

The SP and implementation plan are inconsistent with this principle and are geared to increase public infrastructure costs while minimizing the Applicant’s infrastructure costs, in an area currently devoid of infrastructure.

Guiding Principle 10: Recognize community stakeholder interests while striving for consensus. (GP p. 2-14)

This applicant has ignored the Valley Center community and the Valley Center Community Planning Group throughout the planning process. No changes or attempts to reach consensus were ever made in response to community comments and concerns.

The project is inconsistent with and fails to fulfill the foregoing guiding principles.

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V. COUNTY PLANNING STAFF IDENTIFIED 121 GP POLICY CONFLICTS IN THE SCOPING LETTER. THESE CONFLICTS ARE NOT ANALYZED IN THE DEIR OR THE SPECIFIC PLAN

On June 13, 2012, County staff issued a “*Project Issue Checklist*” listing (on 350-plus pages) more than 1000 project “issues” regarding the project and its planning documents. The list included Major Project Issues (with GP Policies) as well as GP and CP Policies that posed potential conflicts.

The staff directive to the applicant at that time was, “*Please immediately review the policies and indicate to staff how you would propose to revise these policies or if you disagree with staff’s analysis. If policy revisions are required to the County’s General Plan, then the project’s EIR must also analyze the impacts to the County’s General Plan.*” In subsequent editions, the “Checklist” refers the reader to other documents – in some instances to a GPAR (General Plan Amendment Report), in others to the Land Use Section of the DEIR. However, a review of these resources shows there is no policy by policy discussion of consistency. This level of analysis must be provided.

The June 13, 2012 version of the Project Checklist is attached hereto as Exhibit “4”. The DEIR should discuss in detail each of these GP and CP consistency issues.

VI. THE LIMITED CONSISTENCY ANALYSIS THAT DOES APPEAR IN THE DEIR IS INCOMPLETE AND INSUFFICIENT

The DEIR (in Section 3.1.4.1, pp 3-56–3-64) lists what it calls the “relevant policy and regulatory framework” for the project. But this list is not the detailed analyses that CEQA requires; instead, under the rubric of “Existing Conditions” this section is mainly a summary of applicable planning documents.

Section 3.1.4.2 (p 3-64) is titled “Analysis of Project Impacts and Determination of Significance.” In the subsection entitled “*Impact Analysis*” specifics are either missing or inadequate, and replaced with brief descriptions of the project followed by unsupported assertions. Select examples follow:

1. The DEIR fails to identify the array of GP policies that would have to change in order to approve the proposed SP/GPA. Instead, the DEIR merely asserts the unsupported conclusion that: “*The proposed project includes a General Plan Amendment which, if approved, would result in the project being consistent with the General Plan.*”
2. There is no discussion of LEED ND criteria, and the GP Community Development Model is presented as if it is no more than an arrangement of densities rather than a reflection of a whole complex of interdependent ideas about sustainable development. Nevertheless, the DEIR asserts without any

substantiation that *"the proposed project would be consistent with the Community Development Model of the County General Plan and designed to meet the LEED Neighborhood Development Certification or an equivalent."*

3. In the few cases where specific GP policies are cited, the evidence for consistency with the policy is in some cases asserted by merely repeating the language of the policy itself. For LU-1.2: *"the project is not "leap frog development" because it is designed to conform to the Community Development Model, provides necessary services and facilities, and would be designed to meet the LEED Neighborhood Development Certification or an equivalent."* For LU3-1, LU3-2 and LU3-3: *"The project likewise provides 'a complete neighborhood' to include a neighborhood center within easy walking distance of surrounding residences (LU-3-3) while providing a mixture of residential land use designations and development regulations that accommodate various building types and styles (LU-3-1 and LU-3-2)."*
4. In a few cases where the SP/GPA proposes amendments to Mobility Element road classifications or acceptable LOS, the DEIR asserts that the SP/GPA is not inconsistent with the GP because relaxing the standards makes it consistent. Again, the tail is wagging the dog and consistency is achieved only by amending the General Plan to fit the project.
5. The DEIR (Section 3.1.4, p 3-56, Land Use Planning, line 4) refers the reader to the Specific Plan, and asserts incorrectly (p. 3-65) that *"the project's conformance with other General Plan policies is detailed in the Specific Plan. Overall, the project would be consistent with the General Plan; therefore land use impacts associated with policy inconsistencies would be less than significant."*
6. In its cursory and indefensible dismissal of Growth Inducement (DEIR 1.8.1 p. 1-37) the DEIR states: *"...While the project site and surrounding areas are not identified in the General Plan for growth, it is a location where such growth is likely to occur because the project area can accommodate the growth."* The DEIR then makes the untenable assertion that : *"Typical obstacles to growth include a lack of services and infrastructure **which are not present in this area.** The project area is positioned in proximity to the I-15 and within existing districts for sewer water and fire service. There is an adequate road network offering multiple routes throughout the project and would ultimately connect with freeway ramps."* Elsewhere, the DEIR acknowledges and recognizes the project's lack of infrastructure in the areas of road, water and sewer but inconsistently asserts at p. 1-37 that these obstacles to growth are not present in this area. The DEIR disingenuously continues: *"By itself, the proposed project takes advantage of the location of the project site, but would not result in any change in density for surrounding areas...."* There is a brief reference to potential increased density from

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Property Specific Requests near the Project, **but there is NO discussion or analysis of the growth inducing impacts of new road, water and sewer infrastructure that properties west, east and south of the project would rely upon as reasons why they too should be developed at comparable higher, urban densities. The DEIR's conclusions concerning growth inducement are indefensible.**

7. The DEIR should also discuss and analyze the growth inducing impact and precedential effect of approving this project's notion that the Community Development Model is simply a "Village" puzzle piece that any developer can drop anywhere in the San Diego County's rural countryside.
8. There is no General Plan Amendment Report (GPAR). Historically, a GPAR presents the details of a GPA and discusses its consistency, or lack of consistency, with all GP elements, but this *Specific Plan* text does NOT include a *General Plan Amendment Report* (GPAR) even though the SP at page 1-12 states that "... Chapter V of the General Plan Amendment Report and Appendix A provides detailed analysis regarding how and why this Specific Plan is consistent with the goals and policies of the County General Plan..." There is neither a GPAR nor an Appendix A! This is a fundamental problem requiring a rewrite and reissuance of the DEIR.

VII. ADDITIONAL APPLICABLE GENERAL PLAN GOALS AND POLICIES NOT DISCUSSED OR ANALYZED IN THE DEIR INCLUDE:

A. Land Use Element

LU-1.4 Village Expansion: *"Permit new Village Regional Category designated land uses **only where contiguous** with an existing or planned Village and where all the following criteria are met:*

- *Public facilities and services can support the expansion without a reduction of services to other County residents*
- *The expansion is consistent with community character, the scale, and the orderly and **contiguous** growth of a Village area."* (emphasis added).

Comment-INCONSISTENT: If there was an existing or planned Village in western Valley Center, Accretive could try to use this provision, instead of being prohibited by the Leapfrog Development provisions of LU-1.2. However, the only "existing or planned Village" in Valley Center is the Village in the central valley where north and south nodes are separated by a dramatic escarpment and Moosa and Keyes Creeks. This area has existed as a "Village", has been planned for expansion for more than 50 years and was designated a SANDAG Smart Growth Opportunity area with the recent update of the County General Plan. The area is sewered and has received a large grant from the state of California to expand wastewater facilities. Valley Center Road which traverses this area and connects to Escondido and Pauma Valley was improved to Major Road standards only a few years ago in anticipation of expanded

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development here. The Valley Center Community Planning Group has increased residential densities in this area so that about 25% of the community's growth can be accommodated in the "vibrant, compact Villages" the community has envisioned.

This provision is a clear companion and complement to the other GP goals and policies designed to intensify development in existing Village areas and avoid leapfrog development by permitting new Village uses only where contiguous with an existing Village. The Project cannot satisfy this foundational requirement and fails to meet the additional criteria: Its construction would clearly reduce services to all Valley Center residents outside the development by taking away from the economic viability of the existing two Villages, as well as blocking emergency evacuation ability for current residents. Its urban pattern is totally out of "character and scale" with Valley Center's vision. A new Regional Category Village is simply not authorized if this Land Use policy is to be given effect according to its plain meaning.

LU-2.3 Development Densities and Lot Sizes: *"Assign densities and minimum lot sizes in a manner that is compatible with the character of each unincorporated community."*

Comment-INCONSISTENT: This is another example of the interrelated and internally consistent fabric of the GP. Densities and lot sizes reflect community character. Valley Center's community character is primarily rural, exemplifying the Community Development Model at the heart of the GP. Urban densities and lot sizes proposed by this Project are inconsistent with the Semi-Rural land use designations established by the GP and CP for this area.

LU-2.4 Relationship of Land Uses to Community Character: *"Ensure that the land uses and densities within any Regional Category or Land Use Designation depicted on the Land Use Map reflect the unique issues, character, and development objectives for a Community Plan area, in addition to the General Plan Guiding Principles."*

Comment-INCONSISTENT: Requiring projects to comply with the applicable Community Plan is the most effective way to meet the GP Goal LU-2, to maintain the county's rural character. Valley Center's community character is primarily rural, exemplifying the Community Development Model at the heart of the GP. This Project is inconsistent with the Semi-Rural land use designations established by the GP and CP for this area, as well as all the Guiding Principles.

LU-5.3 Rural Land Preservation: *"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."*

Comment-INCONSISTENT: The Project as proposed fails to ensure the preservation of this rural area.. The proposed project destroys open space, agricultural lands, wildlife habitat and corridors, and watersheds with its urbanized design, density, and size. Urban densities and lot sizes proposed by this Project are inconsistent with

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the Semi-Rural land use designations established by the GP and CP for this area.

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.”*

Comment- INCONSISTENT: There have been thirteen (13) Group 1 animal ‘species of concern’ observed on the Accretive project site. DEIR Subchapter 2.5-11. They include lizards, snakes, raptors, small mammals, large mammals and passerine birds. Most of the wildlife surveys conducted focused on the proposed open space areas, functionally ignoring the environmental value for foraging and habitat of the considerable land area devoted to agriculture. Of the 608-acres on the Project site, 504-acres will be graded, cut and filled, for the construction of the Project.

The DEIR acknowledges the impacts to these 13 species [and presumably to other species numerous enough not to be of concern], and particularly the significant impacts to the foraging habitat of the raptor species [white-tailed kite, Cooper’s hawk, turkey vulture] due to the loss of 504-acres of foraging area [including agricultural areas]. DEIR Subchapter 2.5-18, 34. The DEIR dismisses this loss with 81.7-acres of on- and off-site mitigation area (DEIR Subchapter 2.5-38) [presumably already populated by members of these species with whom the impacted Project species will compete] and a substantial differential from the entire 608-acres actually impacted by the Project. Many of the individuals of the 13 species will be killed during construction operations, particularly the smaller, less mobile animals. Those surviving the construction impacts will be forced into new territory.

The Project is not consistent with this policy and fails to require the protection of sensitive natural resources with the exception of riparian wetlands. Such practices of building urban density projects in rural and even agricultural areas will ultimately decimate the natural environment.

LU-6.4 Sustainable Subdivision Design: *“Require that residential subdivisions be planned to conserve open space and natural resources, protect agricultural operations including grazing, increase fire safety and defensibility, reduce impervious footprints, use sustainable development practices, and when appropriate, provide public amenities. [See applicable community plan for possible relevant policies.]”*

Comment-INCONSISTENT: The Accretive Project instead proposes the minimum required open space, eliminates existing and imperils adjacent agricultural operations, and substantially worsens fire safety and defensibility, as shown by the Deer Springs Fire District comments. Instead of reducing impervious footprints, it proposes 1,746 residential units and commercial development, covering 504 of its 608 acres. Trumpeting “sustainable” development practices, it completely ignores the fundamental requirements of LEED ND to have a Smart Location and preserve Agriculture. The public amenities necessary to support this proposed city in the country, such as parks, schools and sewers, are all couched in “conceptual” terms, with built-in defaults to convert acres to still more additional residences. If, for example, the school or park sites

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(proposed without school and park amenities or facilities) are not accepted, the SP provides for their easy conversion to residential uses.

LU-6.6 Integration of Natural Features Into Project Design: *“Require incorporation of natural features (including mature oaks, indigenous trees, and rock formations) into proposed development and require avoidance of sensitive environmental resources.”*

Comment-INCONSISTENT: Over four million cubic yards of grading destroys natural features and creates “manufactured” hills suitable only for urbanized residential construction. Native vegetation habitats will be destroyed and mitigated off-site. Animal populations will be destroyed or shoved to the remaining riparian set-asides or off-site. Avoidance of sensitive environmental resources is minimal. Destruction of this area’s natural features and mitigation elsewhere are the preferred approaches for this project and are inconsistent with this policy and Valley Center planning objectives.

LU-6.7 Open Space Network: *“Require projects with open space to design contiguous open space areas that protect wildlife habitat and corridors; preserve scenic vistas and areas; and connect with existing or planned recreational opportunities.”*

Comment-INCONSISTENT: This Project has reserved minimal open space along wetlands and riparian areas that are protected by federal, state, and county laws. The continuity of the open space will be broken by multiple road crossings with culverts mostly inadequately sized for safe wildlife passage. Intensely urban development will dominate the presently rural agricultural and natural vistas with rows of dense urban rooftops. The open spaces being set aside are not coordinated with the draft Multiple Species Conservation Program/Pre Approved Mitigation Area (“MSCP/PAMA”) and will not connect with any similar open space uses off-site. While the Project is within the draft MSCP boundary, it is not part of a PAMA.

LU-6.9 Development Conformance with Topography: *“Require development to conform to the natural topography to limit grading; incorporate and not significantly alter the dominant physical characteristics of a site; and to utilize natural drainage and topography in conveying stormwater to the maximum extent possible.”*

Comment-INCONSISTENT: The destruction of natural features proposed by this Project’s over four million cubic yards of grading is clearly inconsistent with this policy. The Project does not limit grading in a manner consistent with this policy. The Project proposes to significantly alter the dominant physical characteristics of the site.

LU-9.6 Town Center Uses: *“Locate commercial, office, civic, and higher-density residential land uses in the Town Centers of Village or Rural Villages at transportation nodes....”*

Comment-INCONSISTENT: As previously pointed out in the comments on the Project’s failure to meet the LEED ND Smart Location Requirement, the Project is not designed as a Transit Corridor or Route with Adequate Transit Service. It is not a “transportation node.”

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LU-9.11 Integration of Natural Features into Villages: *“Require the protection and integration of natural features, such as unique topography or streambeds, into Village projects.”*

Comment-INCONSISTENT: This provision was included in the GP because Valley Center required the developers of the north Village to do exactly that, making the streambed there an open space centerpiece of their design in their cooperative plans for their adjacent projects. Accretive instead proposes to obliterate the natural topography for their entire project site, grading over four million cubic yards of “natural features” into faux hills.

LU-10.2 Development- Environmental Resource Relationship: *“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.”*

Comment- INCONSISTENT: This Project does not respect nor significantly conserve the unique natural flora and fauna of the site, nor does it conserve the rural character of the site. This Project will destroy a mosaic of natural vegetation habitats that are interspersed among agricultural uses. The current mix of natural habitats, orchards and row crops provides distinctive opportunities for a variety of faunal species [several of them sensitive], benefits the local hydrology by restraining and filtering run-off, and presents a pastoral viewshed that is historically characteristic of north San Diego County. The Project will create severe hydrology issues with the addition of hundreds of acres of impermeable road and rooftop surfaces that will cause excessive run-off. Run-off that would otherwise enter the water table and help to stabilize levels vital to the riparian habitats downslope, will be impounded and/or dispersed on the surface.

The Project will be composed of dense urban village configurations that are completely at odds with rural and semi-rural areas and the natural habitats and populations they support.

B. Mobility Element

M-12.9 Environmental and Agricultural Resources: *“Site and design specific trail segments to minimize impacts to sensitive environmental resources, ecological system and wildlife linkages and corridors and agricultural lands. Within the MSCP preserves, conform siting and use of trails to County MSCP Plans and MSCP resource management plans.”*

Comment-INCONSISTENT: Presently, the trails proposed for the Project will intrude into the buffer and Limited Building Zone (“LBZ”) areas adjacent to the designated biological open space as well as the open space itself. The fences proposed to separate and protect segments of the open space from the edge effects created by the Project [human intrusions, domesticated cats and dogs, invasive plant species, etc.] will also create barriers to the movement of wildlife. Instead of treating the biological

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open space as retreats and corridors for the movement of wildlife, the trails proposed would become parks for humans and their pets. This will have an adverse effect on the value of the open space for wildlife.

C. Conservation And Open Space Element

GOAL COS-2 Sustainability of the Natural Environment: *"Sustainable ecosystems with long-term viability to maintain natural processes, sensitive lands, and sensitive as well as common species, coupled with sustainable growth and development."*

Comment-INCONSISTENT: The Project will eliminate 504-acres of mixed native and agricultural lands that provide foraging area for numerous animal species identified in the biological resources report. This represents an incremental loss of habitat and ultimately a loss of local wildlife populations within the county and the Project site. The removal of the project site from the inventory of rural lands to create an urban village will constitute an irreversible loss and opposes the intent of sustainable development. It will result in growth inducing pressure on surrounding properties as the rural and natural characteristics of the land disappear.

COS-2.1 Protection, Restoration and Enhancement: *"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."*

Comment-INCONSISTENT: This Project proposes to set a devastating precedent for the intrusion of urban development into rural lands. While the Project site is within the MSCP boundary, it is not a part of a PAMA. The site is presently designated for estate housing and agricultural uses but would be modified to allow urban village densities, which would diminish rural and natural lands within the MSCP area and likely induce similar densities on surrounding properties. Such creeping higher densities within the MSCP would ultimately impact the neighboring PAMA areas through edge effects and compromise the value of those native habitats and the intent of the MSCP/PAMA program.

COS- 2.2 Habitat Protection through Site Design: *"Require development to be sited in the least biologically sensitive areas and minimize the loss of natural habitat through site design."*

Comment- INCONSISTENT: Like GP Goal COS 2.2, the prerequisite of the LEED ND standard also is to place development in smart growth locations, such as urban infill and brown fields or adjacent to urban areas where there is easy access to infrastructure and job centers. This Project fails to meet those goals and, consequently, it will cause significant destruction of biological assets in an area that should be spared under the criteria for a smart growth location.

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COS- 3.1 Wetland Protection: *“Require development to preserve existing natural wetland areas and associated transitional riparian and upland buffers and retain opportunities for enhancement.”*

Comment-INCONSISTENT: The project is preserving and restoring the on-site wetlands, habitats that are in shortest supply regionally, but the upland components will be subjected to severe grading, and fuel modification to accommodate the development. Rather than retaining any opportunity for preservation or enhancement, the upland areas will be deprived of any continuing value for both flora and fauna.

COS- 3.2 Minimize Impacts of Development: *“Require development projects to:*

- *Mitigate any unavoidable losses of wetlands, including its habitat functions and values; and*
- *Protect wetlands, including vernal pools, from a variety of discharges and activities, such as dredging or adding fill material, exposure to pollutants such as nutrients, hydromodification, land and vegetation clearing, and the introduction of invasive species.”*

Comment –INCONSISTENT: The Project proposes to mitigate the loss of wetlands caused by new road crossings by restoring or creating wetlands on-site adjacent to existing wetlands. The value of mitigating wetland losses on-site is questionable given the edge effects caused by human intrusion, domestic cats and dogs, invasive plant species, trash, etc. that cause mitigation efforts to be diminished.

The trails plan exacerbates these edge effects by establishing trails within and adjacent to the biological open spaces.

Further, the Project’s storm water run-off from the construction of hundreds of acres of impermeable surfaces will impact the water regime within the biological open spaces. Adding too much or, conversely, removing too much water from the water table can have adverse effects on the survivability of the riparian habitat.

D. Housing Element

H-1.9 Affordable Housing Through General Plan Amendments: *“Require developers to provide an affordable housing component when requesting a General Plan amendment for a large-scale residential project when this is legally permissible.”*

Comment-INCONSISTENT: There appears to be NO discussion anywhere in the SP or DEIR regarding Affordable Housing or Goal H-1 and Policy H-1.9. Perhaps, since there are no firm plans for anything beyond the Phase I -354 homes, the County considers this not to be a “large-scale residential project” Since the overall Project proposes more than 1,746 homes and over 5000 new residents, it appears to be a “large-scale residential project” for which the GP requires an affordable housing component. The DEIR should contain some discussion and analysis of why this provision is not applicable or is otherwise satisfied.

H-2.1 Development That Respects Community Character: *“Require that development in existing residential neighborhoods be well designed so as not to degrade or detract from the character of surrounding development consistent with the Land Use Element. [See applicable community plan for possible relevant policies.]”*

Comment: Requiring projects “not to degrade or detract from the character of surrounding development consistent with the Land Use Element” explicitly ties housing back to the bedrock Land Use Element, the Community Development Model, and the LEED ND Smart Location Requirement. Placing an urban project the size of Del Mar into a rural, predominantly agricultural area designated for Semi-Rural uses, is a significant degradation and detract from the “character of surrounding development.” This Project is inconsistent with the Semi-Rural land use designations established by the GP and CP for this area, as well as all the Guiding Principles.

VIII. VALLEY CENTER COMMUNITY PLAN (“VCCP”) INCONSISTENCIES

A. Community Character Goals

*Preserve and enhance the rural character of Valley Center by “maintaining a pattern of land use consistent with the following regional categories: A. **Village.** Enhance the rural village character of Valley Center’s north and south villages... B. **Semi-Rural Lands:** Preserve and maintain the overall rural and agricultural character of the semi-rural areas....”*

Policy 1 “Require that future projects are consistent with the goals, policies, and recommendations contained in the Valley Center Community Plan.

Policy 2. Maintain the existing rural character of Valley Center in future developments by prohibiting monotonous tract developments. Require Site design that is consistent with rural community character.

(VCCP p. 4)

Comment: The SP and DEIR cannot avoid the clear inconsistency with these provisions by the fiction of merely adopting a new Map showing three Villages instead of two. The rural character of the project site, indeed all of the Planning Area, will be destroyed by placing an urbanized area the size of Del Mar in the middle of an active agricultural area. Destruction of a designated Semi-Rural agricultural area cannot be interpreted as “preservation.” The DEIR must, but does not, explain and analyze the environmental effects of this patent inconsistency.

B. Land Use Goals

“Two economically viable and socially vibrant villages where dense residential uses, as well as commercial and industrial uses, are contained.

“ A pattern of development that conserves Valley Center’s natural beauty and resources, and retains Valley Center’s rural character....”

“ Development that maintains Valley Center’s rural character through appropriate location and suitable site design.”

(VCCP p. 8)

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Comment: The SP and DEIR cannot avoid the clear inconsistency with these provisions which recognize only the two existing Villages, do not contemplate additional villages and are consistent with both the GP and VCCP, the Community Development Model, and the Smart Location requirements of LEED ND. The DEIR must, but does not, explain and analyze the Project's inconsistency with these provisions or environmental effects of these inconsistencies.

C. Village Boundaries Map (VCCP p. 9)

Comment: The SP and DEIR cannot avoid the clear violation of the existing Map, which shows the two existing villages, not three villages. Merely adopting a new Map showing three Villages instead of two fails to address the other resulting conflicts with the numerous identified GP and VCCP provisions. The DEIR must, but does not, explain and analyze the environmental effects of these multiple inconsistencies.

D. Rural Compatibility Policies (VCCP p. 11)

4. *"Require new residential development to adhere to site design standards which are consistent with the character and scale of a rural community. The following elements are particularly important: Roads that follow topography and minimize grading; Built environment integrated into the natural setting and topography; Grading that follows natural contours and does not disturb the natural terrain; Structure design and siting that allows preservation of the site's natural assets; Retention of natural vegetation, agricultural groves, rock outcroppings, riparian habitats and drainage areas."*

5. *"Require new residential development to construct roads that blend into the natural terrain and avoid "urbanizing" improvements such as widening, straightening, flattening and the installation of curbs, gutters and sidewalks. Follow Valley Center's Community Right of Way Development Standards."*

6. *"Buffer residential areas from incompatible activities which create heavy traffic, noise, odors, dust, and unsightly views through the use of landscaping and preservation of open space."*

Comment: Neither the SP nor the DEIR is clear as to which design standards apply. The SP purports to override all county documents and states it prevails over any inconsistent provisions in the GP, VCCP, ordinances or design guidelines. In other places, it states some aspect of the project is consistent with the VC Design Guidelines, implying that they would, nevertheless, be applicable. The many pictures clearly show urbanized design, out of scale and character for a rural community. The massive grading replaces natural hills with manufactured slopes to accommodate urban design, ignoring natural topography for both roads and residences. The request for deviations from road standards is also in direct conflict with these provisions in the VCCP. The DEIR must, but does not, explain and analyze the environmental effects of these inconsistencies.

E. Commercial Goals (VCCP p. 13)

"Commercial uses should be concentrated within the boundaries of these two Village[s]".

Policies:

1. *"Prohibit strip commercial development by containing commercial uses in the Cole Grade and Valley Center Road area and the Mirar de Valle Road and Valley Center Road area.*

9. *The Application of Land Use Designation Semi-Rural 2 and regional category of semi-rural lands are proposed for those properties that are currently zoned commercial and located outside of the Villages."*

Comment: Neither the SP nor the DEIR deals with the fundamental fact that the VCCP establishes commercial uses only in the two existing Villages, and eliminates commercial uses elsewhere, consistent with smart growth principles and the Community Development Model. The Semi-Rural Land Use Designation for the Project Site is required by both the GP and SP to remain so. The DEIR must, but does not, explain and analyze the environmental effects of these inconsistencies.

F. Agricultural Policies (VCCP p. 15)

1. *"Support agricultural uses and activities throughout the CPA, by providing appropriately zoned areas in order to ensure continuation of an important rural lifestyle in Valley Center.*

3. *Prohibit residential development which would have an adverse impact on existing agricultural uses."*

Comment: Neither the SP nor the DEIR address this major focus of both the GP and VCCP to "support" Agriculture, not destroy it. The DEIR must, but does not, explain and analyze the environmental effects of this inconsistency.

G. Mobility Policies (VCCP p. 52-53)

2. *"Road design shall reflect the rural character and needs unique the Planning Area. For example, turn radii shall be such that agricultural vehicles and equestrian rigs can be safely accommodated."*

4. *"Road alignment shall minimize the necessity of altering the landscape by following as much as possible the contours of the existing, natural topography without sacrificing safety or sight distance criteria."*

5. *"Required roadside and median landscaping shall reflect standards as outlined in the Valley Center Design Guidelines."*

12: *"Where a clear circulation need that benefits the overall community can be demonstrated, public roads consistent with Department of Public Works policy shall be dedicated and constructed. Where appropriate, future subdivisions shall be required to access public roads via at least two separate access points."*

Comment: As noted above, neither the SP nor the DEIR is clear as to which design standards apply. There appears to have been no consideration of : (1) whether this Project can provide two separate LEGAL access points to public roads; or (2) whether public roads within the project would provide a clear circulation need that benefits the entire community . The massive grading proposed appears to violate the requirement to minimize altering the landscape and follow existing natural topography. The DEIR must, but does not, explain and analyze the environmental effects of these inconsistencies.

H. Fire Protection Policies (VCCP p.54)

1. *"All new development utilizing imported water shall provide infrastructure for fire suppression (such as pipes and hydrants) in accordance with the prevailing standards."*

Comment: The continued objections of the Deer Springs Fire District to this Project undermine conclusions regarding compliance with this policy. The DEIR must, but does not, explain and analyze the environmental effects of this inconsistency particularly when viewed in conjunction with objections from the Fire District.

I. Education Policies (School Facilities) (VCCP p. 54)

1. *"Coordinate school facility planning with residential development to ensure that school facilities will be available to accommodate the increase in enrollment without overcrowding."*

Comment: No school district has accepted the possible additional students generated by the Project. The residential construction will precede, not be coincident with, school construction. The potential school site will be converted into additional residences if not accepted by a school district. The DEIR must, but does not, explain and analyze the environmental effects of these inconsistencies.

J. Open Space Policies (VCCP p. 62)

3. *"Incorporate publicly and semi-publicly owned land into a functional recreation/open space system wherever feasible."*

5. *"Design new residential development in a way that preserves an atmosphere of openness and access to surrounding open space."*

Comment: The SP only tentatively designates a 12-acre public park site. The Project minimally meets the Park Lands Dedication Ordinance requirement of 3-acres per 1,000 population requirement, falling woefully short of the 10-acres per 1,000 GP goal for parks. At least 350 homes will be constructed and occupied before any parks, public or private are available. The SP makes no provision for construction of park amenities, just dedication of raw land. Overall Project site planning appears to destroy any existing connectivity for animal migration, instead of creating or maintaining a functional open space system. The Project design creates an isolated urbanized compound totally unrelated to its surroundings. This will be a closed community of urban sprawl, not one with "openness and access to surrounding open space." The DEIR must, but does not, explain and analyze the environmental effects of these inconsistencies.

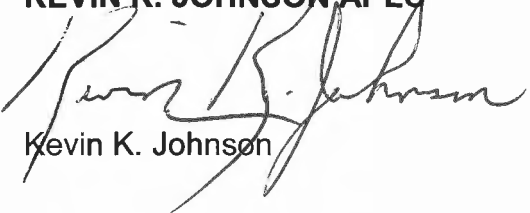
IX. CONCLUSION

The Accretive Lilac Hills DEIR fails to meaningfully analyze an unprecedented number of project inconsistencies with the County General Plan and the Valley Center Community Plan. The SP and DEIR fail to substantiate the limited GP consistency discussion with facts and evidence and fail to justify exemption from the clear prohibitions against Leapfrog development exemplified by this project. These

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informational shortcomings deprive the public and the decisionmakers of essential information required by CEQA. Under the circumstances, the DEIR must be rewritten and recirculated for public review and comment.

Very truly yours,
KEVIN K. JOHNSON APLO



Kevin K. Johnson

cc: Claudia Anzures, Esq. (via email)
Mark Mead, Esq. (via email)

Attachments:

Exhibit 1: Letter from Valley Center Community Planning Group("VCCPG") dated March 11, 2013 to Mark Slovick, Project Manager re: Lilac Hills Ranch Specific Plan and Related Documents with Appended Letter from VCCPG dated October 22, 2012

Exhibit 2: Letter from Valley Center Design Review Board dated February 25, 2013 to Mark Slovick et.al re: Accretive Investment Group's 2nd revised submission (02-13-13) with attached comments from October 15, 2012 and June 14, 2012

Exhibit 3: Excerpts from LEED 2009 for Neighborhood Development Created by the Congress for New Urbanism, Natural Resources Defense Council and U.S. Green Building Council (Updated October 2012)

Exhibit 4: June 13, 2012, County of San Diego Planning and Development Services Project Issue Checklist for Lilac Hills Ranch Master Planned Community – Project Number(s) 3800 12-001(GPA), 3810 12-001 (SP), 3600 12-003 (REZ), 3100 5571 (TM), 3100 5572 (TM), 3300 12-005 (MUP), 3500 12-017 (STP), 3500 12-018 (STP)

August 19, 2013

VIA ELECTRONIC MAIL ONLY

Mark Slovick
Dept of Planning and Development Services
5510 Overland Ave, Suite 110
San Diego, CA 92123

RE: Lilac Hills Ranch Master Planned Community: PDS2012-3800-12-001 (GPA), PDS2012-3810-12-001 (SP), PDS2012-3600-12-003 (REZ), PDS2012-3100-5571 (TM), PDS2012-3100-5572 (TM), PDS2012-3300-12-005 (MUP), PDS2012-3500-12-017 (STP), PDS2012-3500-12-018 (STP), HLP XX-XXX LOG NO.3910 12-02-003 (ER); SCH NO. 2012061100

Dear Mr. Slovick:

The Endangered Habitats League (EHL) appreciates the opportunity to submit comments on the Draft Environmental Impact Report for this proposed project. As you know, EHL is a longstanding stakeholder in County planning efforts.

This project would create a commuter-based "bedroom" community in an agricultural portion of Valley Center. It would shred the consensus reached for the Valley Center community as part of the historic General Plan Update, just adopted in 2011. No compelling planning rationale or deficit in housing capacity is present to justify this proposed amendment.

Our comments focus on General Plan conformity. It is our conclusion that the County has fundamentally erred in tentatively finding the proposed project in conformance with the General Plan. During public review of the draft, we respectfully urge you to step back and take a hard look at your General Plan, and to please reconsider the matter. This is a pivotal point in how the new Dept of Planning and Development Services addresses the future of San Diego County.

Please let me know if there are questions or if more information would be helpful.

If you could respond to this message confirming your timely receipt, in good order, of these comments, that would be appreciated.

With best regards,
Dan Silver

Dan Silver, Executive Director
Endangered Habitats League
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ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



August 19, 2013

VIA ELECTRONIC MAIL

Mark Slovick
Dept. of Planning and Development Services
5510 Overland Ave, Suite 110
San Diego, CA 92123

**RE: General Plan Conformance Analysis—Lilac Hills Ranch Specific Plan
PDS2012-3800-12-001 (GPA), PDS2012-3810-12-001 (SP), PDS2012-3600-12-003 (REZ), PDS2012-3100-5571 (TM), PDS2012-3100-5572 (TM), PDS2 012-3300-12-005 (MUP), PDS2012-3500-12-017 (STP), PDS 2012-3500-12-018 (STP), HLP XX-XXX LOG NO. 3910 12-02-003 (ER); SCH NO.2012061100
Lilac Hills Ranch Master Planned Community**

Dear Mr. Slovick:

The Endangered Habitats League (EHL) respectfully submits the following analysis showing that the above-referenced project is fundamentally inconsistent with mandatory policies of the adopted County of San Diego General Plan. Specifically, the anti-leapfrogging provisions of the General Plan set stringent standards on the creation of new “villages” on currently rural lands, mandating that any new village must provide necessary services and facilities, be consistent with the Community Development Model *and* “are designed to meet the LEED-Neighborhood Development Certification or an equivalent.” (LU-1.2) As explained below, the proposed Lilac Hills Ranch Specific Plan fails to meet these mandatory General Plan standards. As a result, the County is precluded by law from approving the Project. (See *Endangered Habitats League v. County of Orange* (2005) 131 Cal.App.4th 777 [specific plan approval set aside because “project is project is inconsistent with the general plan’s traffic service level policy”].)

The issue of under what circumstances, if at all, new village densities should be permissible in unincorporated backcountry land now zoned semi-rural and rural is pivotal to the overall vision set forth in the 2011 General Plan Update. The Community Development Model envisioned the concentration of growth in *existing* town centers, while existing rural lands and open space areas would be kept intact. Areas surrounding villages would serve as semi-rural “buffers.” For this reason, the creation of a new “village” in areas the Update has designated “rural” will potentially create repercussions in a broad area, and runs contrary to the Update’s goal of keeping the agricultural and rural heritage of the County intact. The anti-leapfrogging provisions of Land Use Policy LU-1.2, the terms of which govern whether this project is consistent with the Update, must therefore be interpreted in such a way that every required element has meaning.

Unfortunately, the documentation provided reflects that staff has interpreted LU-1.2 so as to render key requirements meaningless. LU-1.2 requires that any new village be *both* consistent with the Community Development Model *and* meet LEED-ND or equivalent locational and design standards. Here's the language:

Land Use Policy 1.2: Leapfrog Development. Prohibit leapfrog development which is inconsistent with the Community Development Model. Leapfrog Development restrictions do not apply to new villages that are designed to be consistent with the Community Development Model, that provide necessary services and facilities, *and* that are designed to meet the LEED Neighborhood Development Certification (LEED ND) or an equivalent. For purposes of this policy, leapfrog development is defined as Village densities located away from established villages or outside established water and sewer service boundaries. (See applicable community plan for possible relevant policies.) (Emphasis added.)

Instead of addressing both of these mandatory elements, however, the General Plan consistency analysis contained in the Specific Plan explicitly ignores the *second* requirement of LEED-ND or equivalent, conflating it with the Community Development Model element. The only analysis of LU-1.2 consistency that appears in the vast documentation provided concludes:

"The definitions established for both the Village Regional Land Use Category and the Village Core Mixed Use Land Use Designation incorporate the essential principles and standards of the Community Development Model *and by extension* the LEED-ND or equivalent guidelines . . ." (Specific Plan at p. II-33, emphasis added.)

Because the analysis ignores the plain language of LU-1.2 that any new village meet LEED-ND or equivalent requirements, it is not a reasonable interpretation of the Update's requirements for new villages. Whether involving the construction of statutes, contracts or general plans, a core principle of construction is to avoid rendering language superfluous. (See, e.g., *Shoemaker v. Myers* (1990) 52 Cal.3d 1, 22 [courts must "not presume that the Legislature performs idle acts, nor [can they] construe statutory provisions so as to render them superfluous"].)

Here, the legislative body for the County enacted a mandatory provision in LU-1.2 with three unambiguously discrete elements. Neither the applicant, nor any subsequent County Board, should presume that the Board majority which enacted the Update did not mean what it said when it added the LEED-ND requirement. The public also has a right to expect that *each* of these elements be given independent meaning in the application of this Policy. It is therefore arbitrary and capricious for the County to adopt an interpretation, as has happened here, that would read one of these mandatory elements—the "LEED-ND or equivalent" requirement—out of the adopted General Plan.

Moreover, when General Plan requirements are unambiguously stated in mandatory terms, as is the case here, courts are bound to enforce them. For example, in *Endangered Habitats League v. County of Orange*, supra, the General Plan specified that the Highway Capacity Manual (HCM) method be used to assess traffic impacts of a proposed specific plan. Because the County used a different method, the Volume to Capacity method (V/C), the Court set aside the approval of the specific plan because unambiguous mandatory provisions of the general plan were not followed. The court noted that:

“The General Plan requires LOS C as determined under the HCM method, and the project does not comply. That it does so under the V/C method is of no import, since the General Plan is unambiguous in demanding the evaluation be made by the HCM method.” (131 Cal.App.4th at p. 782-783.)

Just as in *Endangered Habitats League*, the mandatory General Plan policy here unambiguously requires that new villages meet LEED-ND or equivalent standards. Because it has not been shown to meet these standards, the Project cannot be approved.

Nor can the Project as proposed be shown to be consistent with LEED-ND or anything resembling it. As an initial matter, there can be no question that the Lilac Hills Ranch Specific Plan (Project) is a new “village” rather than an expansion of an existing one. It is surrounded on all sides by land designated and used for rural uses. While within the Water Authority line, the project lacks sufficient infrastructure and services. Consequently, the provisions of Land Use Policy 1.2 *must* be satisfied.

Just what is LEED-ND equivalent? The LEED-Neighborhood Development evaluation process sets forth objective standards for new communities through a rating system that integrates the principles of smart growth, urbanism and green building into the first national system for neighborhood design. The rating system is intended to promote sustainable development by, *inter alia*, reducing vehicle miles travelled (VMT) compared to “traditional” development and by locating developments where jobs and services are accessible by foot or public transit. This is why, according to the Green Building Council’s Local Government Guide to LEED-ND, “electing a good location is an important element of LEED for Neighborhood Development. Prerequisites that specify standards for locating a project mean that not all land within a given jurisdiction will be eligible for certification.”¹

As will be shown, the location and design of this Project is a prime example of what the LEED-ND is intended to *discourage*. It is distant from major job and shopping destinations, and the nearest existing transit access point is about 8 miles away. Indeed,

¹ See *A Local Government Guide to LEED for Neighborhood Development* (U.S. Green Building Council, April 2011, at p. 6. (<<http://www.usgbc.org/sites/default/files/Local-Government-Guide.pdf>>))

functionally the Project is a prototypical auto-dependent suburb. It most certainly does not meet LEED-ND's exacting and mandatory locational criteria close to jobs, shopping and other destinations.

The EIR's own traffic study data bear this out. If the total estimated Vehicle Miles Traveled for the Project is divided by the annualized estimated Average Daily Trips (including internal, shared and non-auto trips), the average trip length is about 8.5 miles. And once a modest amount of internal and non-auto trips are subtracted, the average external auto trip would be significantly longer than 8.5 miles—perhaps 10 miles or greater. These outcomes are not consistent with any definition of sustainability. Indeed, according to SANDAG data, the average auto trip length for the County as a whole is only 5.8 miles.

Similarly, despite lofty rhetoric that the project is a “mixed-use pedestrian oriented sustainable Community” and that it “will locate housing close to retail, services, schools and jobs,”² the actual *design* of the project is anything *but* mixed use or sustainable. For example, the Project proponents claim that “[a]ll of the residential lots are within one-half mile of either the Town Center or one of the two smaller Neighborhood Centers.”³ That is somehow supposed to make the Project “sustainable.”

But just what *are* these “Neighborhood Centers?” It turns out that the Southern Neighborhood Center is made up of 0.4 acres with a mere 2,500 square feet of commercial space (about a medium size house) of unspecified uses which do not even have to be built concurrently with the housing development, or ever, for that matter. Even if built, the so-called Neighborhood Center could be a gas station and a tanning salon. Just how the existence of this paltry speck of commercial development one-half mile from hundreds of homes makes the Project more “sustainable” from a travel behavior standpoint is not explained or empirically substantiated. But common sense would indicate that it will not measurably alter the fundamentally auto-dependent nature of this far-flung bedroom community. It most certainly is not consistent with LEED-ND standards for a “walkable” neighborhood.

In summary, the record developed so far shows that the Project as proposed is fundamentally inconsistent with the General Plan's mandatory criteria contained in LU-1.2 governing the establishment of new village densities on lands currently designated rural and semi-rural. Unless LU-1.2 is itself revised (not part of the GPA description), the proposed Specific Plan cannot be approved consistent with law.

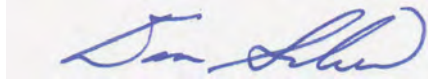
Thank you for considering EHL's views.

² SP at p. II-1.

³ Id.

Mark Slovick, PDS
County of San Diego
EHL Comments on Lilac Hills Ranch Specific Plan
August 19, 2013
Page 5

Very truly yours,

A handwritten signature in blue ink, appearing to read "Dan Silver", is centered on a light gray rectangular background.

Dan Silver, MD
Executive Director

cc: Interested parties

Sept 3, 2013

VIA ELECTRONIC MAIL ONLY

Mark Slovick
 Dept of Planning and Development Services
 5510 Overland Ave, Suite 110
 San Diego, CA 92123

RE: Lilac Hills Ranch Master Planned Community: PDS2012-3800-12-001 (GPA), PDS2012-3810-12-001 (SP), PDS2012-3600-12-003 (REZ), PDS2012-3100-5571 (TM), PDS2012-3100-5572 (TM), PDS2012-3300-12-005 (MUP), PDS2012-3500-12-017 (STP), PDS2012-3500-12-018 (STP), HLP XX-XXX LOG NO.3910 12-02-003 (ER); SCH NO. 2012061100

Dear Mr. Slovick:

The Endangered Habitats League (EHL) appreciates the opportunity to submit additional comments into the record on the Draft Environmental Impact Report for this proposed project.

These comments are in the form of a blog post from Kaid Benfield, a principal author of LEED-ND, titled "Green sprawl is still sprawl." The post analyzes the purported sustainability of the proposed project.

<http://switchboard.nrdc.org/blogs/kbenfield/green_sprawl_is_still_sprawl.html>

If you could respond to this message confirming your receipt, in good order, that would be appreciated.

With best regards,
 Dan Silver

Dan Silver, Executive Director
 Endangered Habitats League
 8424 Santa Monica Blvd., Suite A 592
 Los Angeles, CA 90069-4267

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<http://switchboard.nrdc.org/blogs/kbenfield/green_sprawl_is_still_sprawl.html>

Kaid Benfield's Blog

'Green' sprawl is still sprawl

Posted September 3, 2013 in [Living Sustainably](#), [Solving Global Warming](#)
 Tags: [smartgrowth](#), [sprawl](#), [sustainablecommunities](#)

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Does the lead photo with this article look like a good place to put over 1700 new homes on a little over 600 acres? What if I told you it was working agricultural land in a remote location 45 miles north of San Diego and 61 miles south of San Bernardino, California? What if I added that the developer is doing everything it can to make the project green? Those are the questions currently facing San Diego County authorities.

The environmental importance of development location

Unfortunately for the proposed project's sponsor, the most significant factor in determining the environmental impacts of real estate development is [the project's location](#). Even the greenest development in the wrong location will create more environmental problems than it will solve. Of course, that doesn't stop developers' and architects' green puffery. Heck, they may even be well-intentioned, trying to do the greenest internal design on a site whose non-green location cannot be overcome. But trying to green a project doesn't make wishes come true.

I've written about this sort of thing multiple times, [criticizing a purported "net zero" energy-efficient development in Illinois](#) that is totally automobile-dependent, and pointing out that higher density, though generally an asset to green performance, [won't cure locational problems](#). I've criticized the [American Institute of Architects](#) and [even the US Green Building Council](#) for undervaluing location in their green awards programs. (At least USGBC has taken a major positive step by adopting [LEED for Neighborhood Development](#), a certification program that rewards good locations along with other green features. More about LEED-ND later in this article.)

Development locations far from existing cities and towns cause substantial environmental problems, disrupting agricultural lands and natural ecosystems; requiring the spread of resource-consuming infrastructure, including new road capacity that brings more runoff-causing pavement to watersheds; attracting ancillary sprawling development nearby; and causing major transportation impacts.

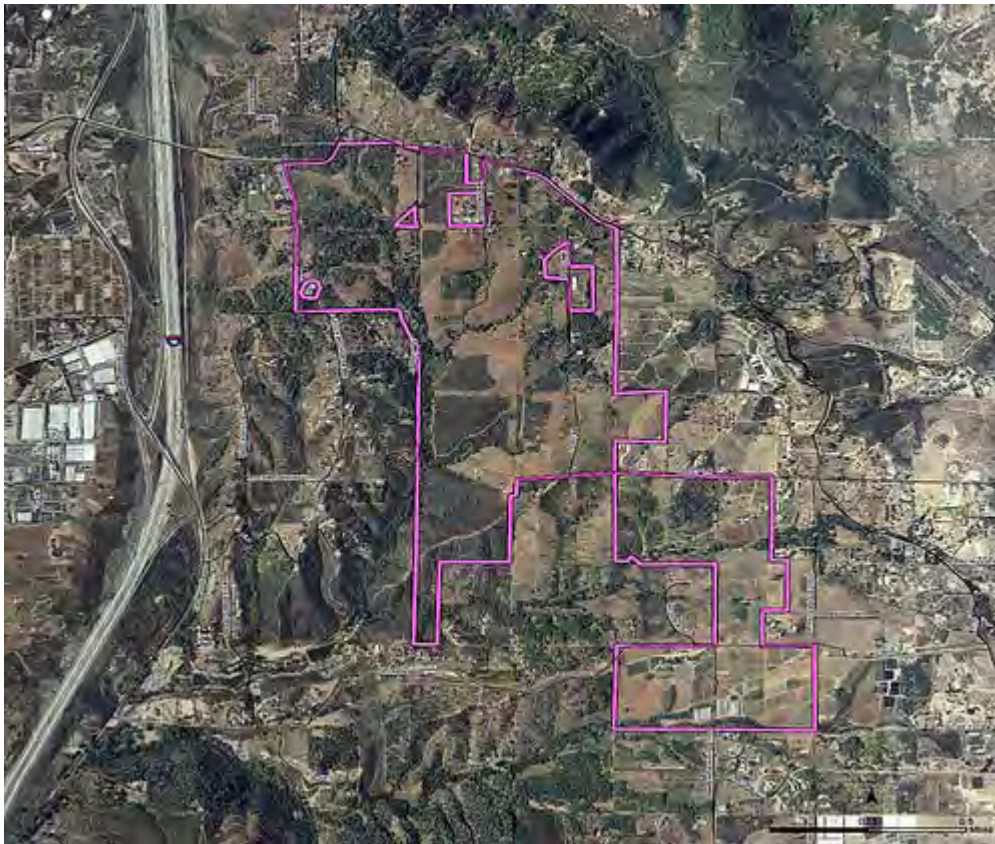
I can't over-stress that last point: On average, [we use more energy and emit more carbon getting to and from a building](#) than does the building itself. Peer-reviewed research published by the federal EPA shows that even green homes in conventional suburban locations [use more energy and emit more carbon than non-](#)

[green homes in transit-served city neighborhoods](#). The problem only gets worse when the development is located beyond suburbia on truly rural land. Indeed, the [most exhaustive research I know on how land use affects travel behavior](#) found that location – measured by, among other things, the distance from the regional center – is by far the most significant determinant of how much household driving will occur, over time, from a given location.

Simply put, green sprawl is still sprawl.

“An I-15 sustainable community”

This brings me to a proposed “I-15 sustainable community” (the developer’s tagline) some 45 miles north of San Diego and 61 miles south of San Bernardino, California. I’m tempted to say that the site is in the middle of nowhere, but that’s not quite fair. It is more accurate to say that it is decidedly rural, home to working orchards, cropland and ranchland on rolling terrain near Lancaster, Pala, and Weaver Mountains near the north edge of San Diego County. There are scattered rural residential enclaves and a few small, newer suburban developments within a few miles.





The proposal's [draft environmental impact report](#) describes the setting this way:

"The project site is generally characterized by agricultural lands and gently rolling knolls, with steeper hillsides and ridges running north and south along the western edge. Existing land uses in the surrounding area include residential dwellings that range from suburban to semi-rural densities, along with agricultural uses and vacant lands."

What the site is *not* is a good place to put 1,746 new homes at an average density of 2.9 units per acre.

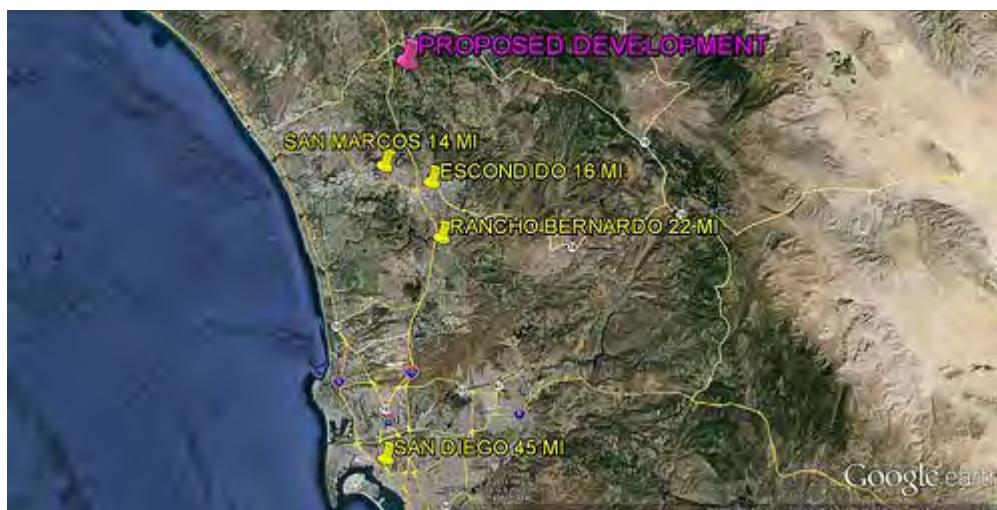
Perhaps that is why it is illegal under current law, which zones the land for agricultural use. That is also its designation in the county's general plan, recently adopted after more than a decade of deliberation. The developer is seeking to change the zoning and to change the plan to accommodate the development.

The developer's argument for the proposal, to be called [Lilac Hills Ranch](#), is that it will be internally walkable, with amenities within a 10-minute reach of most residents; that it will cluster development so as to maintain green space; that it will utilize green technology in building design; and that it will create "a neighborhood grounded in traditional small-town values embracing 21st Century design and sustainability."

To be honest, that sounds pretty nice if it were located adjacent to existing development instead of leapfrogging across vacant land. But it isn't; I took a look at some numbers. Because the site is unusually shaped and mostly open land, it is hard to find a point within it that is catalogued in searchable databases. So I picked a spot on the north edge of the site on West Valley Road, the main access to the site from I-15, and ran it through some calculators.

Location by the numbers

Google Maps says the north side of the project is 14 miles from San Marcos, the nearest town with significant employment, 16 miles from downtown Escondido, and 22 miles from Rancho Bernardo. As noted, it is 45 miles from downtown San Diego. We're talking about very long work commutes. There is no transit nearby and, even under the best of circumstances, unlikely to be any future transit that would go conveniently from the development to San Diego County's scattered work sites.



My spot's Walk Score was **2**. Pretty low, eh? Walk Score basically measures how close a site is to shops and conveniences. Ideally, it finds walkable locations with ratings above 60 or so that have things within walking distance. The average Walk Score for Escondido is 51. For San Diego city, the average Walk Score is 56. The average in Los Angeles is 66. A Walk Score of 2 means that this site is not near much, to say the least.

I also ran it through [the Abogo calculator maintained by the Center for Neighborhood Technology](#), which displays driving rates and costs, along with emissions data, for given locations. The average household in the general vicinity of the proposed development emits 1.02 metric tons of carbon dioxide each month just from transportation. This is 46 percent above that of the San Diego region as a whole.

The developer apparently ~~wishes~~ believes that Lilac Hills Ranch would actually reduce greenhouse gas emissions by up to 40 percent compared to a "business-as-usual" scenario, mostly because of the project's internal walkability and planned commercial spaces that would absorb trips that otherwise would be made outside the project. Nothing in the literature of transportation research suggests that would be the case.

First, let's parse what "business as usual" means. What the developer is really claiming is that the project would reduce emissions compared to an even more sprawling development in the same location. The developer is not claiming, nor could it, that the project would reduce emissions below the average for the metropolitan region or even below the amount that would be experienced in an alternative site closer to Escondido or San Diego. As noted above, the most exhaustive research on the subject (Professors Ewing and Cervero's epic "[Travel and the Built Environment](#)," published in the *Journal of the American Planning Association*) found that proximity to downtown and other major destinations, not internal design, was the most significant factor in determining driving rates. ("Almost any development in a central location is likely to generate less automobile travel than the best-designed, compact, mixed-use development in a remote location," write the scholars.)

Look, this proposal basically would replace working agricultural land with a commuter suburb, albeit with some very nice internal amenities for its residents.



Dan Silver, MD, executive director of the Endangered Habitats League, summed the League's position in a letter to the San Diego County planning office, which is apparently reviewing the proposal:

"This project would create a commuter-based 'bedroom' community in an agricultural portion of Valley Center. It would shred the consensus reached for the Valley Center community as part of the historic General Plan Update, just adopted in 2011. No compelling planning rationale or deficit in housing capacity is present to justify this proposed amendment."

The League is not alone in its criticisms. The Valley Center Planning Group voted 11-1 to send a scathing critique of the proposal to the planning office, according to [an article by David Ross](#) published last month on the local news site *Valley Road Runner*. If anything, the Planning Group's language was even stronger than that of the Endangered Habitats League, reports Ross:

"Key take-aways from the response the Planning Group approved Monday night:

- *"The project is leapfrogging and therefore contrary to the good planning principles upon which the General Plan Update was based. It plops urban building densities into a rural agricultural area without appropriate existing infrastructure. **A much better project alternative than any proposed is within the Downtown Escondido Specific Plan Area**, says the review.*
- *"In most major areas of the project, the rationale presented by the applicant is going to change the General Plan requirements to be aligned with what it wants to do. According to the group, this defeats the efforts by all who participated in the 12-year-long, \$18 million county General Plan Update project that was approved by the Board of Supervisors only two years ago."*

It seems to me that the planning office should be encouraging green revitalization and redevelopment within cities and towns, and encouraging the addition of new green features to existing suburbs. In some cases, it might be reasonable to review even a new mega-project such as this one if it were not only green but also adjacent and connected to existing development. But, assuming the worst, what's the point of having a planning office if it approves leapfrog development that violates its own plan?

The project, LEED-ND, and California planning law

Adding rhetorical insult to environmental injury, [a document prepared in support of the development](#) asserts that the proposal is "designed to meet the environmental standards of" LEED for Neighborhood

Development, the voluntary green rating system mentioned at the top of this article. (See our [Citizen's Guide](#).) Seriously? Then file an application and get a certification that proves it. Heck, you could at least apply to the US Green Building Council, which administers LEED-ND, for a “prerequisite review” that for a fraction of the cost and time of full certification will determine whether you meet the rock-bottom minimum locational standards of the system.

Given the serious doubts raised about this proposal, if I were a planning official for San Diego County I would politely ask that the developer do just that as a condition of further discussion of any zoning change or planning amendment. Speaking for myself, my informal opinion based on about a dozen painful hours of reviewing planning documents in this case is that there is not a snowball's chance in hell that this proposal qualifies for LEED-ND certification or even that it would pass the minimum prerequisites to be considered.

For one thing, LEED-ND requires a minimum average density of seven dwellings per acre, not the 2.9 at issue here. For another, the LEED-ND locational prerequisite is generous, but not generous enough to let this project slip through. (I should know, because I was its principal author.) To be considered, a project must qualify as (1) infill; (2) adjacent and connected to a minimum amount of previous development; (3) served by existing or fully committed minimum transit service; or (4) surrounded by a minimum number of specified, pre-existing “neighborhood assets” within walking distance. In other words, a project can't be smack in the middle of rural land at a long distance from existing development. Well, it can be, but it won't – and shouldn't – qualify for green certification under LEED-ND.



Current agricultural zoning (left) and proposed change to "residential urban" (right)

Finally, in 2008 [California passed what many of us believed at the time to be landmark legislation](#) (“SB 375”) requiring that each metropolitan area in the state, including San Diego County, develop specific, long-range land use and transportation planning documents that meet assigned targets for reducing emissions of greenhouse gases from transportation. A lot of people in the state, including my NRDC colleague Amanda Eaken, worked long and hard to ensure that the new law would be fair to developers and municipalities as well as protective of the environment. They succeeded at that, and won the support of a broad range of nonprofit and commercial interests.

Basically, each metro area must develop a “Sustainable Communities Strategy” as part of its transportation

plan. The SCS must anticipate population growth and housing needs and allocate them to areas within the region that can accept them consistent with the law's environmental aims. The state's Air Resources Board must review and certify that the plans are adequate to meet their emissions-reduction targets. Municipalities are expected to conform to the regional plans, and transportation funding and development approval benefits flow to the priority growth areas.

The whole point of SB375 was to encourage development within or close to existing development and existing city and town infrastructure. (And, no, contrary to the developer's assertions here, being close to an Interstate highway is not what the framers had in mind when they spoke of existing city and town infrastructure.)

The Sustainable Communities Strategy for San Diego County, crafted by the San Diego Association of Governments and adopted two years ago, was built on the premise that the county's general land use plan would remain in place. As a result, this development not only challenges the plan; it also flies in the face of all the hard work and good faith that went into the region's Sustainable Communities Strategy pursuant to SB375. This should matter, not just a little but a lot. As far as I could tell from the documents I reviewed, the SCS isn't even mentioned.

The bottom line: in another place, this might be a great green development, though I would want to improve its design for better walkable density and transit access. Its on-site premises do appear to have some merit to them. But this location is so, so wrong that it negates what might otherwise be the development's environmental assets. It's a shame because, in the end, the development basically amounts to little more than pretty sprawl.

+++++