

Letter C1p

Significant Irreversible Impacts Subchapter 2.9 1

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)

2.9 Significant Irreversible Environmental Changes Resultant from Project Implementation - Comments

The proposed Project [Lilac Hills Ranch] will, indeed, cause significant, irreversible, and, in most instances, immitigable impacts to the Project site, to the Valley Center and Bonsall communities and their community plans and to the County of San Diego and its General Plan. The Project will require amendments to the General Plan, its principles, policies, and regional land use designations and to the Bonsall and Valley Center Community Plans, or, at least, a severely disfigured interpretation of all of them.

The DEIR focuses on the grading of the Project site, on the use of fuels [energy] to prepare the Project site and manufacture construction materials, on the consumption of construction materials [wood, concrete, asphalt, drywall, etc.], on subsequent energy and natural resource consumption by the eventual residents, and on the amount of time to construct the project. It touches lightly on the loss of biological habitat [504-acres of the 608-acres lost to development].

All of this is true and expected for a Project of such proportions with the exception of the loss of biological habitat, and the severe gouging of the land. Habitat loss and gouging are not always required for such projects. That is one of the reasons why the U.S. Green Building Council's standard for Leadership in Energy and Environmental Design - Neighborhood Development [LEED ND] was created. That standard sets, as a prerequisite among others, appropriate site selection. LEED ND cites as key smart growth strategies the building on previously constructed development sites or 'infill' sites [surrounded or mostly surrounded by previously developed land], and, certainly not on agricultural lands.

Does the County think the Project site comports with the LEED ND prerequisites for site selection and linkage?

Why hasn't the County provided an analysis of the Project's consistency with LEED ND prerequisites for site selection and linkage, or any equivalent standard? Why doesn't the DEIR analyze the Project's consistency with the other LEED ND prerequisites and construction requirements?

Why hasn't the County pressed the applicant to elaborate how the Project meets the LEED ND standard prerequisites for site selection in the case of this Project?

Shouldn't there be an analysis in the Specific Plan to assure the County that LEED ND standards, or their equivalent, are being met?

When a smart growth site is selected, there is no additional loss of biological habitat or excessive land gouging. For this Project, LEED ND was not respected nor observed. Oddly, the County General Plan recognizes the importance of LEED ND criteria and cites them as part of its principles. But, the DEIR and the applicant would subvert them in this case.

C1p-1

C1p-1 The project proposes and will require a project-specific General Plan Amendment (GP 12-001). Specifically, GP 12-001 proposes to: (1) amend the regional Land Use Element map to allow a new Village, (2) amend the Valley Center Community Plan Map to allow Village Residential and Village Core land uses (and revise the community plan text to include the project), (3) amend the Bonsall Community Plan to allow Village Residential land uses, and (4) amend the Mobility Element to reclassify West Lilac Road and specify the reclassified road segments at Table M-4. (FEIR, subchapter 1.2.1.1.) Such amendment is purely specific to the proposed project. The FEIR frames the General Plan consistency analysis at subchapter 1.4 under "Environmental Setting," and describes its current land use planning context (current general plan land uses and both community plans). (FEIR, subchapter 1.4.) Subchapter 1.6 describes the General Plan amendment required for approval of the project and that is analyzed by the FEIR. The General Plan Regional Land Use Map is proposed to be amended to remove the existing regional category and land use designation and to redesignate the project area as Village. Then subsequently provides detailed analysis of the physical environmental impacts that may flow from the GPA in Chapters 2.0 and 3.0, as well as providing a detailed policy inconsistency analysis in the Land Use Planning section, subchapter 3.1.4 (See FEIR, Chapter 3.0; Appendix W) Thus, the FEIR provides an analysis of the potential physical environmental impacts that would result from project approval and the concomitant amendment of the Regional Land Use Element Map to change the regional land use category from Semi-Rural to Village.

Subchapter 3.1.4.1 of the FEIR provides an analysis of the project's compliance with LU-1.2, as well as Attachment A to Appendix W. See also Global Responses: Project Consistency with General Plan Policy LU-1.2, General Plan Consistency Analysis, and General Plan Amendment CEQA Impacts Analysis, for a thorough analysis of this issue.

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<p>Why does the DEIR not analyze the Project in terms of its consistency with LEED ND given that, as a "leapfrog development, it must be certified as consistent with LEED ND requirements or its equivalent" in order to be approved?</p> <p>Does the County believe that the Project can be certified at any level of LEED ND if built on the presently proposed site?</p> <p>If the County is using an equivalent standard for certification, what <u>is</u> the equivalent standard?</p> <p>How does this Project qualify under any other standard if that standard is the equivalent of LEED ND?</p> <p>The DEIR is correct to cite environmental changes to the Project site based on the 4-million cubic yards of cut and fill proposed for the site. That is nearly 1.5 cubic yards of cut and fill for every single square yard of the Project site. Of course, some square yards will be treated more drastically than others. Some will be blasted to a depth greater than 50-feet. This significant disruption of the natural surface of the land is one of the greatest irreversible changes that will take place, and it is irretrievable once performed.</p> <p>Does the County truly think that the blasting and movement of 4-million cubic yards of earth is consistent with the local community character? Is mitigation possible?</p> <p>And, it will take an enormous amount of extra energy and effort to move the 4-million cubic yards of earth around the site to make it conveniently buildable for so many dwelling units and so much commercial space.</p> <p>Aside from transforming the land surface, moving so much earth and rock to accommodate the development of the Project will also permanently eliminate the Project site as biological habitat for native vegetation, wildlife and agriculture. Comments related to subchapter 2.5, Biological Resources, address the loss of foraging and breeding habitat and the beneficial interaction of wildlife with agricultural lands. State and federal laws address the losses of wildlife habitat.</p> <p>Again, the General Plan recognizes the importance of natural habitats to the County, but the DEIR suggests that losses of natural habitat can be mitigated by forcing wildlife, that is able, to move to other undeveloped lands in the County and by sacrificing native vegetation with the understanding that the losses caused by this individual Project are not significant.</p> <p>Of course, the DEIR does not address the cumulative impact of scores of such individual losses caused by multiple projects and the irreversible loss of the majority of such habitat in the aggregation of these individual losses. Viewed incrementally, these individual project losses can be rationalized as minor and insignificant, but viewed collectively over the course of 50-years and on the scale of the entire County, they add up to a very significant majority of natural habitats [the California Department of Fish and Wildlife cites the loss of an estimated 85-90% of the historical extent of coastal sage scrub habitat in the state's Native Community Conservation Plan (NCCP) - Coastal Sage Scrub]. An acre here, an acre there, it all adds up.</p>	<p>C1p-2</p> <p>The FEIR, subchapter 2.9 acknowledges the cut and fill proposed to create the developed footprint of the project would result in an irreversible change to the existing topography. This grading is required to implement the project; however, ultimate build-out of the project would be consistent with community character, as further detailed below. Subchapter 3.1.4.2 analyzes the existing General Plan and community plan policies and concludes that the project is consistent with General Plan and Community Plan policies that address community character. Community character is defined as those features of a neighborhood, which give it an individual identity and the unique or significant resources that comprise the larger community. Community character is also a function of the existing land uses and natural environmental features based on a sense of space and boundaries, physical characteristics (such as geographic setting, presence of unique natural and man-made features, ambient noise, and air quality). The project has been designed to incorporate the design principles set forth in the Community Plan policies. Sensitive site design is used, open space areas are preserved, the built environment is integrated into the natural setting when possible, the location near existing infrastructure minimizes the expansion of public services, and buffer areas are utilized throughout the plan. Although the project would differ from existing uses in the immediate surrounding area, through sensitive site design these differences has been minimized. A Town Center with village green provides a community focus for this new village. Extensive open space, parks, and a trail system located within the village will retain its rural quality and rural lifestyle. In addition, the project has been designed to be compatible with the existing rural character of the immediately adjacent areas. The area immediately surrounding the project site consists of gently rolling topography with agriculture being the predominant use. There are small older farm houses and new custom homes. The Specific Plan, Chapter 3 establishes design guidelines that will, among other things, establish transitions from adjacent spaced residential and agricultural uses to the denser uses within the entire Village. Single-family attached units would all be located internally in the Town Center and Neighborhood Center. The project also incorporates various design features to reduce visual effects along the project perimeter. These include the use of wider lots, grade separations or landscape buffers in areas where there are existing homes.</p>
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	<p>C1p-2 (cont.) Along the west side of the project, the large riparian woodland would be preserved, providing separation from the project and existing homes. In areas adjacent to existing agriculture, a 50-foot-wide buffer planted with fruit trees will provide a transition from the project to the existing uses.</p> <p>C1p-3 Impacts to biological resources, including habitat for native vegetation, wildlife, foraging and breeding habitat are addressed in FEIR subchapter 2.5 and the Biological Resources Report (Appendix G). As identified in that section, the existing site does not consist of high-quality biological habitat and the project development would not eliminate the biological habitat as implied by this comment. The project includes preserving approximately 103 acres of the site (see FEIR Table 2.5-4 for habitat types). It is also noted that the project site is not designated or zoned for open space preservation, and that the site is currently zoned for agricultural and rural residential uses. With the provision of mitigation in compliance with the County's Biological Guidelines and the wildlife agencies' permits, impacts to biological resources are reduced to less than significant. Mitigation would be provided at ratios designated by the County and wildlife agencies to reduce impacts to below a level of significance.</p> <p>As indicated in the General Plan Consistency Analysis (Appendix W), the project is consistent with the general plan biological goals and policies. The project design is intended to conserve as much sensitive natural habitat as possible, including the riparian corridors. Mitigation would ensure no net loss of wetlands and would also compensate for losses of uplands. Refer to Appendix W for additional details.</p>
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<p style="text-align: center;">Significant Irreversible Impacts Subchapter 2.9 3</p> <p>Why does the DEIR not address these cumulative irreversible losses of habitat within the County as a whole, or within the five-county southern California region, and the additive effect of large projects such as this Project?</p> <p>The DEIR also fails to adequately discuss the loss of agricultural land to this Project. The agricultural operations on and around the Project site are locally significant and typical of the operations that propel agriculture in San Diego County. The County's General Plan provides for the preservation of existing farmland as a key goal and principle. LEED ND standards discourage development on agricultural lands.</p> <p>The County's land surface is finite. At what point does the loss of 504-acres of farmland in a Project like this one push the County over the edge to a completely urban County?</p> <p>Beyond the irreversible impacts and losses of land features and biological habitat are losses to the structure of governance. After over 12 years of discussion, revision, and compromise; thousands of hours of citizen volunteer effort; and, the expenditure of nearly \$20 Million in taxpayer funds, the San Diego County General Plan, approved in August 2011, became, in the words of the California Supreme Court, "the constitution for future development." Citizens purchasing property could look to the County's General Plan to apply diligence regarding future land uses surrounding the property they wished to buy and make a judgment on the value and appropriateness of such a purchase. Will the County defend the General Plan from the depredations of Projects like this one?</p> <p>Moreover, this Project would subvert the intention of the state legislature to have every county adopt "a comprehensive, long term general plan" [Calif. Gov. Code §65300]. For, in order to be approved, this Project would require the County to radically amend its general plan after only two years of existence to accommodate this Project. This Project was conceived as the present General Plan was being finalized and the applicant could have sought inclusion in it. It did not.</p> <p>Consequently, to be approved, this Project will require the County to substantially revise the General Plan's approved land use designations for the Project's site, and cause the County to strenuously distort the interpretation of the General Plan's goals, principles and policies [or to simply amend them to fit]. These actions will subvert the General Plan and throw the Bonsall and Valley Center Community Plans into disarray. This is not what the legislature had in mind.</p> <p>Nor should a single commercial applicant be able to overturn the intent and authority of the General Plan to finagle approval for a single project that is inconsistent with that plan.</p> <p>Similarly, the Bonsall and Valley Center Community Plans, extensions of the San Diego County General Plan, will have to be amended to accommodate this Project. This Project will mangle the hard-won compromises on land use designations for both communities. Both communities were planned using the Community Development Model defined in the General Plan. Both communities adopted land use and zoning plans that gradually diminished densities from their core villages to the limits of their planning areas, consistent with the model. The present Project undermines those plans with no particular benefit to either community.</p> <p style="text-align: right;">3</p>	<p>C1p-4 Cumulative biological impacts are addressed in FEIR subchapter 2.5.3 and the Biological Resources Report, Appendix G. The project's compliance with all habitat mitigation requirements, along with wetland protection measures assures that the project would have a less than cumulatively significant impact to biological resources. The project would be required to obtain a Habitat Loss Permit for impacts to coastal sage scrub in accordance with the Natural Community Conservation Planning Act. It is noted that M-BIO-1 includes mitigation for coastal sage scrub and impacts to coastal sage scrub (including disturbed) shall be mitigated at a 2:1 ratio with land within a future PAMA area.</p> <p>C1p-5 Agricultural resources are addressed in FEIR subchapter 2.4. Contrary to this comment, the entire 504-acre area to be developed on-site does not consist of significant agricultural farmland resources. As discussed, the project would result in a loss of 43.8 acres of significant agricultural resources per the LARA Model (Impact AG-1) and potentially result in significant indirect impacts to surrounding agricultural uses (Impacts AG-2 through AG-15). These potential impacts would be reduced to less than significant levels through the implementation of mitigation M-AG-1 through M-AG-5. Please see Global Responses: Project Consistency with General Plan Policy LU-1.2 and Agricultural Resources, Direct Impacts. Overall, the FEIR adequately discloses agricultural resource impacts.</p> <p>C1p-6 This comment does not raise an environmental issue. The commenter's opinion is acknowledged and is included in the project's FEIR for the decision makers to consider.</p> <p>C1p-7 It is acknowledged that the project requires a General Plan Amendment. This comment does not raise an environmental issue. The commenter's opinion is acknowledged and is included in the project's FEIR for the decision makers to consider. The Regional Categories Map and Land Use Maps are graphic representations of the Land Use Framework and the related goals and policies of the General Plan. (Chapter 3, page 18.) The General Plan states that it is intended to be a dynamic document and the policies are written in support of future growth. (General Plan, page 1-15) General Plan Policy LU-1.2 permits new villages that are consistent with the Community development model and meet the requirements set forth therein.</p>

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	<p>C1p-7 (cont.) Therefore the language in the General Plan clearly allows for future amendments to the Land Use Map and Regional Categories Map. Please refer to Global Responses: General Plan Consistency Analysis and Project Consistency with General Plan Policy LU-1.2.</p> <p>C1p-8 It is acknowledged that the project requires a General Plan Amendment. As indicated in Appendix W, the project has been shown to be consistent with the General Plan as well as the community plans. This comment does not raise an issue with the environmental analysis. The commenter's opinion is acknowledged and is included in the project's FEIR for the decision makers to consider. Please refer to Global Responses: General Plan Consistency Analysis and Project Consistency with General Plan Policy LU-1.2.</p> <p>C1p-9 This comment does not raise an issue with the environmental analysis. The commenter's opinion is acknowledged and is included in the project's FEIR for the decision makers to consider.</p> <p>C1p-10 It is acknowledged that the project requires amendment to the Valley Center and Bonsall Community Plans. The project has been shown to be consistent with Community Plans, General Plan, and Community Development Model (Appendix W). The project is amending the General Plan by adding a new Village that meets the criteria of Policy LU-1.2. Indeed, the project is a new Village whose structure, design and function are based on the Community Development Model. With respect to the comment related to the existing assigned regional categories to the community planning areas, the General Plan is intended to be a dynamic document and the language in the General Plan clearly allows for future amendments to the Land Use Map and Regional Categories Map.</p>
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Further, moving so much ground and building so many structures will irreversibly change the view-scape for owners of surrounding properties as well as others living in or passing through Valley Center and Bonsall. The proposed Project will diametrically convert spreading native vegetation, agricultural fields and orchards into a sprawling urban/suburban view-scape, quite out of place with its surroundings. In the process, it will have a similar urbanizing and growth-inducing effect on the I-15 corridor to the west.

Admittedly, the losses to the structure of governance are ultimately reversible. However, given the long-term expectation for general plans, perversion of the present General Plan by such projects as this one will have effects that may outlast the lifetimes of many of the residents of Valley Center and Bonsall. Given those effects, irreversibility does not seem too much of a stretch.



C1p-11



C1p-12

C1p-11 FEIR subchapter 2.1 discloses the visual impacts of the project, including significant visual impacts related to views from West Lilac Road (Impact V-1), surrounding residences (Impact V-2), construction-related visual impacts (Impact V-3), and cumulative viewshed impacts (Impact V-4).

The project's potential to induce growth is disclosed in FEIR subchapter 1.8. As summarized in FEIR subchapter 1.8.5, the project would potentially be growth inducing due to the intensification of uses on-site, lower fire response times to the vicinity, and expansion of water and sewer infrastructure.

For additional information, please see FEIR subchapter 2.1, FEIR subchapter 1.8, and response to comments C1p-2 and C1p-3, above.

C1p-12 This comment does not address the environmental analysis provided in the project FEIR. The commenter's opinion is acknowledged and is included in the project's FEIR for the decision makers to consider.