

LILAC HILLS RANCH FEIR GLOBAL RESPONSES FIRE AND MEDICAL SERVICES

A number of comments have been received that raise both General Plan consistency questions and CEQA issues, particularly with respect to the ability of the Lilac Hills Ranch project ("Project") to comply with the travel times set forth in General Plan S-6.4 and Table S-1. Some commenters assert that the Project cannot be approved because it does not comply with the travel times set forth in Table S-1. Comments have also been received that assert that the Project's fire impacts are significant and unmitigable because of its failure to meet the travel times of Policy S-6.4. The commenters assert that the REIR failed to disclose and discuss such impacts as required by CEQA. Comments have been raised that the Fire Protection Plan ("FPP") does not demonstrate any feasible method to provide a five minute travel time to the Project, and, therefore, the Project would result in an "impact that causes substantial adverse direct and indirect impacts under CEQA and the County of San Diego's Mandatory Finding of Significance." Deer Springs Fire Protection District ("DSFPD" or "District") asserts that none of the "response Options" that requires a fourth fire station is acceptable to the District because a fourth station would incur ongoing cost to the District that cannot be covered by the Project. These comments can be separated into those that pertain to either the County's ability to find the Project consistent with the General Plan or the REIR's treatment of issues related to fire services as required by CEQA. This Global Response has been prepared to address both issues.

Consistency with General Plan Policy S-6.4.

A number of comments assert that the Project does not meet the travel time set forth in Table S-1 as described in General Plan Policy S-6.4, and, therefore, the Project must be denied. Policy S-6.4 states, "Require that new development demonstrate that fire services can be provided that meets the minimum travel times identified in Table S-1 (Travel Time Standards from Closest Fire Station)." Travel time is calculated from the fire station to the farthest dwelling unit of the development. Fire station is defined under this Policy as a station that is "staffed year-round, publicly supported and committed to providing services" and does not include stations that are not obligated by law to automatically respond to an incident.

Any decision made by a local governmental agency that affects land use and development must be consistent with that agency's general plan. (*Friends of Lagoon Valley v. City of Vacaville*, 154 Cal.App.4th, 807, 815 (2007).) A project is consistent with the general plan if, considering all of its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment. (*Corona-Norco Unified Sch. Dist. v. City of Corona*, 13 Cal. App. 4th 1577 (1993)) The courts are usually highly deferential to the local agency, "recognizing that the body which adopted the general plan policies in its legislative capacity has unique competence to interpret those policies when applying them in its adjudicatory capacity." (*Eureka Citizens for Responsible Gov't v. City of Eureka* (2007) 147 CA4th 357.) Finally, when an agency interprets a particular provision of the General Plan, the question for the court is whether the agency's interpretation was arbitrary, capricious or entirely lacking in evidentiary support. (See *No Oil, Inc. v. City of Los Angeles*, *supra*, 196 Cal.App.3d 223, at p. 244.)

Policy S-6.4 does not prohibit the approval of a project as some of the commenters contend. Rather, Policy S-6.4 requires that new development *demonstrate* that fire services *can be provided* to the project that meets the minimum travel times identified in Table S-1 (Travel Time

Standards from the Closest Fire Station.) (Italics added.) The Policy Background and the Sidebar set forth as a part of this Policy provides further clarification. The Travel Standards are intended to: (1) help ensure development occurs in areas with adequate fire protection and/or (2) help improve fire service in areas with inadequate coverage by *requiring mitigation* for service-level improvements as part of the project approval. (Italics added.) The General Plan Update EIR analysis of Policy S-6.4 expressly stated that if the appropriate emergency travel time cannot be met for a proposed discretionary project, sufficient mitigation measures could be included as a basis of approval for the project. (San Diego County General Plan Update EIR, August 2011, Page 2.13-9) Therefore, Policy S-6.4 clearly provides the Board of Supervisors with the authority to conditionally approve a project to require service-level improvements when such improvements are determined to be necessary to bring the project into consistency with Policy S-6.4.

Other General Plan Policies are consistent with the interpretation that conditions may be required as part of project approval in order to meet public service requirements and would not frustrate the attainment of the General Plan policies. For instance, GP Policy LU-12.1 supports the proposition that services need not be provided to the project site before the County can approve a project. The policy requires the provision of infrastructure, facilities and services needed by new development prior to that development, either directly or through fees, and also states that where appropriate, the construction of infrastructure and facilities may be phased to coincide with project phasing. Consequently, the County can approve a project subject to conditions requiring the project to provide the necessary infrastructure, facilities and services.

Policy S-6.5 allows for incremental growth to occur until a new facility can be supported by development, and Policy S-6.3 requires “development to contribute its fair share towards funding the appropriate fire and emergency services as determined necessary to adequately serve the project.” Both of these policies also clearly contemplate that new development may be conditioned to provide facilities in order to meet public service requirements.

Interpreting Policy S-6.4 as prohibiting a project from being approved even if it has demonstrated that fire services can be provided by requiring service-level improvements is contrary to the clear intent expressed in the Policy. Policy S-6.4 requires new development to “demonstrate” that “fire services can be provided,” and the Board of Supervisors has the discretion to find the project to be consistent with the Policy based on evidence provided in the administrative proceedings, such as a condition requiring the project to provide fire services that meet the applicable travel time standard. (See also, *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal App 4th 704, 719.)

Therefore, the County could conditionally approve the Project based upon the implementation of one of the four fire service Options (“Options”) that would provide the Project with emergency services in accordance with the Travel Time Standards set forth in the General Plan. The four Options have been incorporated into the Project as a project design feature and are addressed within the EIR and FPP. The Fire Response Capabilities Assessment, prepared by Dudek and Hunt, dated May 24, 2014, (“Capabilities Assessment”) outlines in detail how the Travel Time Standard would be met by each of the Options, the estimated costs of each Option, and how to finance and implement the Options. (See Capabilities Assessment Sections ES-2 and 5.2) The County would ensure that emergency services (fire and medical) would be provided within the 5 minute travel time by conditioning the project to implement one of the four options listed below. In addition, fire and medical emergency services could be provided to the project in a manner not explicitly described under the options identified below, provided an agreement is entered into by the appropriate parties and approved by the County that ensures that such services will

be provided: consistent with the intent of the four options outlined below; from one of the fire station sites identified by the options; and satisfies the 5 minute travel time standard in accordance with General Plan Policy S-6.4. The four fire service Options are described below and are detailed further within the Capabilities Assessment.

Fire Option 1: Under this option, Deer Springs Fire Protection District and/or CALFIRE would provide fire and medical emergency services from the Miller Station site to the project within the 5 minute travel time standard pursuant to an agreement as specified herein. The existing Miller Station's location is optimal for serving the entire project site within a 5 minute travel time. This option may involve a co-located facility at the Miller station site, improvements to the Miller Station or another approach that would ensure that emergency services would be provided to the project from the Miller station site consistent with the 5 minute travel time standard. An agreement that is satisfactory to Planning & Development Services, Deer Springs Fire Protection District, and CAL FIRE that provides assurances that emergency services will be provided to the project within 5 minutes travel will be required.

Fire Option 2: This option would include a separate DSFPD fire station facility on the Miller Station site in order for such a facility to be completely independent from CALFIRE. (Although the new facility would be staffed by CALFIRE personnel under contract with DSFPD). This option would include an agreement between the project applicant, DSFPD and CALFIRE to either remodel Miller Station to co-locate and staff a DSFPD Type I paramedic engine on the site within the existing CALFIRE station or the construction of a completely separate DSFPD station. The Project will be required to fund the capital expenditures that are needed to provide services to the project, and emergency services will be funded from the project based upon the ongoing revenues available from property taxes and other assessments.

Fire Option 3: Under this option, DSFPD could agree to build a neighborhood fire station within the community purpose facility site located within Phase 3 of the Lilac Hills Ranch project. A Type I paramedic engine with a 3-person crew and the third position as a reserve firefighter could be added at this station by DSFPD.

Fire Option 4: This option includes a new DSFPD fire station within Phase 5, the southern portion of the project site. This option is identified as the Mountain Ridge Road Fire Station Alternative in the EIR. The Mountain Ridge Road Fire Station Alternative must be adopted under this option with the requirement to provide a fire station within Phase 5 (see subchapter 4.9).

Calculating Travel Time.

A number of comments have been raised regarding which station was used to measure travel time to the project since the project is located relatively close to two stations. Travel Time Standards listed in Table S-1 are based on the "Closest Fire Station." The County Guidelines also provide that travel time is determined by measuring the most direct reliable route from the *nearest* fire station obligated to respond to the site. (County Guidelines, page 10, which page is incorporated herein.) Though Miller Station is located adjacent to the Project, is approximately 2.3 miles from the furthest structure in the project, is surrounded by the Project on three sides and is the "closest" or "nearest" station to the Project (FPP, attached as Appendix J to the REIR,

page 24), this station is not obligated to provide structural fire protection within the Deer Springs Fire Protection District and, therefore, cannot be used to calculate travel time under the General Plan unless dedicated DSFPD personnel and equipment are provided.¹ However, Miller Station has responded to all types of emergency calls within the District. (See Capabilities Assessment, Table 7, and pages 32-33 of the FPP Table 6, and page 25 and Appendix K to the FPP.)

However, the project site is located in DSFPD, and DSFPD is the Fire Authority Having Jurisdiction ("FAHJ"). DSFPD designated Station 11 as the "primary" station to serve the project and from which to calculate travel times for purposes of determining the Project's compliance with Policy S-6.4. (Project Facility Availability Form, ("PFAF") attached to the Specific Plan.) Station 11 is owned and operated by the District. The FPP and the Capabilities Assessment examined in detail the travel times from both Station 11 and Miller Station. The closest fire station, Miller Station, can serve 100% of the project within 5 minutes. However, Station 11 could not respond to the Project site within the five minute travel time as required by Policy S-6.4. Station 11 can respond within 5 minutes to only a small portion of the Project's Phase 1. (Table 8 of the FPP, and Table 11 of Capabilities Assessment, attached as an appendix to the Project's Specific Plan. See also FEIR, subchapter 2.7.2.4.)

Level of emergency medical response.

A question has been raised regarding the level of emergency medical response required by Policy S-6.4 since Table S-1 establishes the same travel time standard for providing first responder emergency medical services as for fire services. DSFPD contends that it has an internal standard of responding with a Type 1 engine with paramedic capability. However, the response time standards of Policy S-6.4 are not based upon the internal standards of each fire district with respect requiring paramedic capability. Policy S-6.4 is a County wide standard that is applied universally for new development to demonstrate that fire services can be provided that meet the minimum travel times identified in Table S-1. In fact the Environmental Impact Report prepared for the San Diego County General Plan Update, August 2011, ("GPU EIR"), which adopted Policy S-6.4, assumed the term emergency medical response to mean the amount of time it would take to provide basic life support services. "Most Firefighters are EMT-certified, and it can be assumed that the amount of time it would take to provide basic life support services can be estimated using fire response times." (GPU EIR, page 2.13-9, which page is incorporated herein by this reference.). Therefore, Policy S-6.4 requires basic life

¹Miller station is a CALFIRE station for wildfire prevention and suppression. The County and Cal Fire are parties to a Cooperative Fire Programs Fire Protection Reimbursement Agreement. (Attached as Appendix N to the FPP, County of San Diego and CALFIRE Fire Protection Reimbursement Agreement Amendment, No. 3CA77059.) Under this agreement, Cal Fire provides "Schedule A" and "Amador" services to the County. Under the Amador component of this agreement, the County supplements CALFIRE with approximately \$2.6 million annually to keep eight CAL FIRE stations open during the off season to augment the local fire services provided in County Service Area 135. The Miller Station is currently one of the eight stations CAL FIRE keeps open during the off season. This agreement was just recently amended for an additional five year term expiring in 2018. (County of San Diego and CALFIRE Fire Protection Reimbursement Agreement Amendment, No. 3CA02140) The Cooperative Agreement utilizes the CALFIRE stations "as the 'Backbone' of the SDCFA 'Combination' Department, where career and volunteer firefighters provide a valuable service to the residents of CSA 135 and partner jurisdictions," (Cooperative Fire Operating Plan between SDCFA and CALFIRE, July 1, 2013 – June 30, 2018, ("Operating Plan") page 4, which page is incorporated herein by this reference.)

Under the Amador component of a cooperative agreement, a local agency, such as a city or county, pays CALFIRE to keep one or more of its stations open during the off-season to augment the fire services provided by the local agency. CALFIRE determines which station or stations to keep open based on operational needs. Under the Schedule A component of a cooperative agreement, a local agency pays CALFIRE to provide structural fire protection services for the local agency.

support services (which may include EMTs) to be provided within the Travel Time Standards, not paramedic or ambulance services as asserted by some commenters.

CEQA ANALYSIS

Fire Hazards.

The determination of whether or not a project has a significant effect on the environment is based on the thresholds described in the environmental document. These thresholds of significance can be adopted by the local agency or can be based upon those standards set forth in Appendix G of the CEQA Guidelines (14 Cal Code Regs (“CEQA Guidelines”) Section 15064). For purposes of determining whether there is a significant impact related to wildland fire impacts, the REIR used the following Determination of Significance: Based on Appendix G of the CEQA Guidelines, a significant impact would occur if the project would expose people or structures to a significant risk of loss, injury, or death involving wildland fire, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

The FPP evaluated the fire hazard of the area and its potential effect on the project, as well as the potential increased hazard that may result from the proposed project. A wildland Fire Behavior Assessment or fire model was included in the FPP to provide four worst-case scenarios for wildland fires. As a result of the findings of the fire modeling, project design features were incorporated into the Project, including fuel modification zones, use of ignition resistant building materials, fire and building code requirements, provision of secondary emergency access roads and adequate water supply for fire hydrants. Subchapter 2.7.2.4 of the REIR analyzed each of the design features to determine whether the features would reduce the risk of exposure of people or structures to a significant risk of loss, injury or death from wildland fires. The REIR found that with the adoption of Mitigation Measure M-HZ-1, impacts to wildland fires would be reduced to less than significant.

Travel Times/County’s Guidelines for Determining Significance

Based upon the County of San Diego Guidelines for Determining Significance-Wildland Fire and Fire Protection, August 31, 2010 (“County Guidelines”), implementation of the proposed project would have a significant adverse impact on the environment if the project did not meet the emergency response objectives identified in the County General Plan or offer feasible alternatives that achieve comparable emergency response objectives. (County Guidelines, p. 8) This threshold is based on the need to have adequate fire services available in order to provide sufficient emergency response in the event of a wildfire or other emergency. The County Guidelines require the FAHJ to determine whether existing fire services are adequate to serve the project and whether acceptable measures may be added to the project. A PFAF that shows that a project that is not located within a fire district and is not eligible for service, does not meet the travel time requirements of the General Plan, is unable to implement the required FMZ, and is unable to provide adequate water fire flow and pressure may result in a potentially significant impact and may present significant risk of loss, injury or death. (County Guidelines, p. 10.) Where projects exceed the travel time requirement, acceptable mitigation measures may be imposed, which could include a variety of measures as deemed appropriate by the Director of Planning and Development Services along with the FAHJ. (County Guidelines p.13.)

The Final EIR analyzed the District’s capability to respond to calls from the project along with the ability to meet the travel time standard of the General Plan. Response times from Station 11 would not meet the five minute travel time standard identified by the County General Plan for

most of the project (71 dwelling units are within 5 minutes), but travel time from Miller Station to the furthest structure for all phases of the proposed development would be approximately 4.5 minutes. (FEIR- Figure 2.7-2.)

Despite the large population increase in the District due to the project, the fire service system would be underutilized on a call volume basis. As indicated in the Capabilities Assessment, the existing fire stations are well positioned to serve the District's current highest population centers. As such, response times to these areas, where most of the District's calls are generated, occur within an acceptable timeframe. Further, the lower call volume for each fire station indicates that there is capacity to serve additional population with existing facilities and resources. (The response maps provided in Appendices A-1 – A-9 of the Capabilities Assessment (see Dudek & Hunt Research Corp. 2014) depict travel times from each of the existing DSFPD stations. (Capabilities Assessment, Section 2.4.)

As required by the County's Guidelines, the District submitted a PFAF for the project which stated that based upon the "capacity and capability of the District's existing and planned facility, fire protection facilities are currently adequate or will be adequate to service the project." The District determined that it can provide emergency services to the entire project and the community within District's standard travel time of 7 to 9 minutes, which the District determined to be acceptable to protect the health, safety and the general welfare of the community. The District has indicated that the addition of another station to the District would raise funding concerns because of the increased operational costs associated with a new station. For the reasons described in the "Deer Springs Fire Protection District Response Time to Lilac Hills Ranch Memorandum," by Dudek dated June 1, 2015, and attached to the Capabilities Assessment ("Updated Analysis"), providing emergency services within 7 to 9 minutes to the project would adequately protect the health, safety and general welfare of the community.

The FPP, that was approved by DSFPD, the FAHJ, determined that pursuant to the County's Guidelines, impacts associated with adequacy of fire service and response time would be less than significant because of the additional factors that would allow adequate emergency services to be provided to the project site. These factors are listed below and include project features that minimize fire hazards and the Miller Station's ability to respond within the General Plan Travel Time standard. The following mitigating factors are included in the FPP that was approved by the Deer Springs Fire Protection District (FAHJ).

- The District can augment response with ALS capable equipment to the entire project within 7-9 minutes, which is an acceptable District Standard travel time and would ensure adequate fire services to protect health, safety and the general welfare of the community;
- The analysis shows that the DSFPD has existing capability and capacity to respond to fire emergency incidents on the project;
- The project will pay statutory mitigation fees and annual assessments that will be provided to the District, which can be used by the District to upgrade and provide new facilities if necessary, as determined by the District;
- The project can be provided with fire services from three fire stations within 10-minutes to the furthest structure and nearby fire departments pursuant to mutual aid agreements;

- Sufficient mitigation measures (as set forth in the FPP) that minimize fire hazards are included in the project, such as fire resistant construction methods and fuel modification zones;
- Travel time from the closest fully staffed fire station - Miller Station - to the furthest structure within the project would meet the travel time identified by the County General Plan;
- The project's water supply meets the requirements of the San Diego County's Consolidated Fire Code and the Fire Code for a commercial/business/residential development; and,
- Fire access to the project will meet the requirements of the County and Deer Springs Fire Protection District.

The impacts associated with the adequacy of fire service and response time were less than significant based upon the additional factors specified above that would allow the District to provide adequate emergency services to the project site (Appendix J – Fire Protection Plan – Section 4.0 Mitigation Measures and Design Considerations). The additional factors included the District's determination that it could provide emergency services to the entire project and the community within its standard travel time of 7 to 9 minutes, which the DSFPD determined is adequate to protect health, safety and the general welfare of the community. (For the reasons described in the "Updated Analysis," providing emergency services within 7 to 9 minutes to the project would adequately protect the health, safety and general welfare of the community).

The REIR satisfied its obligation under CEQA Guidelines Section 15382 by evaluating whether implementation of the proposed project would have a significant adverse impact on the environment if the project did not meet the emergency response objectives identified in the County General Plan or offer feasible alternatives that achieve comparable emergency response objectives. Impacts associated with adequacy of fire service and response time would be less than significant because of the additional factors described above that would allow adequate emergency services to be provided to the project site. The additional factors included the DSFPD's determination that it could provide emergency services to the entire project and the community within its standard travel time of 7 to 9 minutes which is adequate to protect health, safety and the general welfare of the community. (Appendix J – Fire Protection Plan – Section 4.0 Mitigation Measures and Design Considerations).

Travel Times/General Plan Consistency

The County's General Plan Policy S-6.4 requires that new development demonstrate that fire services can be provided to the project that meet the minimum travel times identified in Table S-1. CEQA requires an EIR to "discuss any inconsistencies between the proposed project and applicable general plan, specific plans and regional plans" (CEQA Guidelines § 15125(d).) However, an inconsistency is a legal issue and not a physical impact on the environment. Zischke and Kostka, Practice Under the California Environmental Quality Act, (2nd ed. 2015), CEB, § 12.34. "An inconsistency might indicate a likelihood of environmental harm and thus trigger a careful review of any potential impacts. An inconsistency may also support the conclusion that the underlying physical impact is significant." Ibid.

The project would be consistent with General Plan Policy S-6.4. with implementation of any of the four fire service Options identified as a project design feature. The four Options were

incorporated as design features into the project, and the Capability Assessment provided detailed information regarding how each of the four Options would result in the project meeting the travel times identified by Table S-1. The physical impacts associated with the construction of each of the facilities related to each of the four Options were analyzed throughout the REIR. (Subchapter 2.7.2.4 of the REIR.)

An inconsistency with the General Plan is not itself an *environmental* impact that CEQA requires a project to mitigate. Section 15382 of the CEQA guidelines defines “significant effect on the environment” as “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.” As described in *Goleta Union School Dist. V. Regents of University of California* (1995) 37 Cal.App.4th 1025, a project’s impact on public services, such as to schools (or fire protection which is also included as a public service under Appendix G to the CEQA Guidelines), is not a per se significant effect on the environment under CEQA. Rather, it is only when the project would require the provision of new or physically altered facilities, such as the need for new school facilities, the construction of which could cause significant environmental impacts, that such impacts to the environment need to be evaluated. The question under CEQA is whether the construction and operation of a new facility that would be needed for the Project to meet the travel time to be consistent with General Plan Policy S-6.4 would cause significant impacts. The physical impacts resulting from the construction of each of the four Options were examined in the REIR, and no significant environmental impacts from construction of such Options were identified.

The FEIR also analyzed the potential impacts if the project did not implement one of the fire service options to meet the travel time standards of General Plan Policy S-6.4 as required under the County’s Guidelines. The FEIR determined that pursuant to the County’s Guidelines, impacts associated with adequacy of fire service and response time would be less than significant because of the additional factors that would allow adequate emergency services to be provided to the project site.

CEQA Guidelines section 15065(a)(4)

Commenters assert that because of the District’s objection to the four fire service Options, the project has not demonstrated any feasible measure that would meet the Travel Time Standard set forth in Policy S-6.4. Therefore, these comments assert that the Project results in an impact that causes “substantial adverse direct and indirect impacts on human beings under CEQA Guidelines Section 15065(a)(4) and the County of San Diego’s Mandatory Finding of Significance.”

With respect to the comments that a mandatory finding of significance under CEQA Guidelines section 15065(a)(4) must be made, there is no basis to conclude that the project will cause a substantial adverse effect on human beings directly or indirectly. Subchapter 2.7.2.4 of the REIR determined that the Project could achieve comparable emergency response objectives without having to meet the Travel Time Standards of the General Plan based upon the factors identified in the FPP and that adequate fire protection would be available for the project. (See also FPP, page 31.)

DSFPD would have the existing capacity to respond to expected calls from the project. Based on the call volume and call type data, the closest responding stations (Miller Station and Station 11) would not be overloaded with incidents due to the build out of the project. (Capabilities Assessment, Section 1.3.2.1.) In addition, DSFPD's fire stations and other resources in the area were found to be located where they can respond in an efficient manner and provide good overall coverage to the current highest population centers within the District, as shown A-1 through A-3. (Rural land use designations are allowed a longer travel time under the General Plan.) (See Capabilities Assessment, Section 2.4.) As such, response times to these areas, where most of the District's calls are generated, occur within an acceptable timeframe.

Further, the lower call volume for each fire station indicates that there is capacity to serve additional population with existing facilities and resources. Adding more stations within the District would have fiscal impacts to the District (according to the District), and the call volume would be too low to justify adding stations to reduce travel times throughout the District. (Capabilities Assessment, Section 1.2.6.) Adding the project to the DSFPD's response load would add a conservatively calculated 1.8 calls per day to DSFPD's and CAL FIRE's call volume. (The actual number is likely to be less than this due to a variety of physical and sociological factors, as explained in the Capabilities Assessment.) Because the stations have averaged 1.4 and 1.0 calls per day over the last several years, respectively, there is capacity in terms of available resources and time with a low probability of call stacking or longer response times. The low probability of call-stacking or longer response times is due to the very low baseline number of calls currently responded to by these stations. The currently low call volumes would increase to an estimated 3.2 calls per day for DSFPD station 11 and 2.8 calls per day for CAL FIRE Station 15, if they responded to every call received. These stations would still remain below the typical average station call load. Therefore, the Project would not be expected to result in a significant impact on existing residents in terms of fire and medical emergency responses. (Updated Analysis, p. 3.)

Therefore, the REIR analyzed the impact of the Project with respect to the capacity of DSFPD and CALFIRE from Miller Station to provide fire services to the project and the community. The impacts resulting from the increase in population from the Project on emergency service levels in the area was adequately disclosed. Although the District Comment Letter stated that serving the new project would compromise service to existing residents, the District did not provide an explanation for this conclusion. In an earlier letter from the District, dated August 10, 2013, the District stated that it was unable to support an additional facility within the project that could provide a level of service comparable to that received by existing residents, based on the projected revenue generated by the project at build-out. The District felt it could not accept any proposals for service that would be fiscally untenable, as it would jeopardize the ongoing provision of services to existing residents. (The District at that time also advocated relocating Station 11 to an agreed upon site within the project or outside of the project.) (August 10, 2013 Letter from District.)

There is no basis to conclude that DSFPD's provision of services to the project would compromise service to existing residents. As explained above, services could be provided to the project that would adequately protect the health, safety and the general welfare of the project without compromising services to the existing community. In fact, the District later stated that it will continue to provide adequate fire services to protect the health, safety and the general welfare of the community. (Comment Letter from DSFPD). Although there are additional costs involved in providing emergency services to the project, there is sufficient evidence (as described further below) that there would be sufficient funding from the project for any such additional costs associated with these services. Additionally, if the funding were insufficient, the

District could raise revenues at any time to meet the costs of providing services. In any event, the District is legally obligated to provide fire protection services to the community, and it is reasonable to conclude that the District will continue to do so pursuant to the terms of its Order of Formation. [The District was formed pursuant to Health and Safety Code Section 13801 et seq. for the stated purpose of: "The reason for the proposed formation is to provide Fire Protection Services in an area in need of such protection."] (Resolution of Board of Supervisors confirming Order of Formation, dated December 8, 1981, attached hereto and incorporated herein.) Whenever the board of a fire protection district determines that the amount of revenue available to such district is inadequate to meet the costs of providing services, the board may raise revenues in a number of different ways. (Health and Safety Code sections 13897, 13898, 13899 and 13910 et seq.)

Feasibility of Response Time Options

A number of comments were raised related to the feasibility of the four fire service Options that are needed to meet the travel time standard of General Plan Policy S-6.4 because of the District's objections to these Options. The District's primary objections are related to the District's determination that Miller Station would not be able to meet the District's current standards (Type 1 engine with Paramedic capability) and that the Project is not able to fund the ongoing cost associated with a fourth station. In addition, the District has stated that while it has "the capacity and intent to serve the project, it is not possible for the District to respond to the proposed development within the 5 minute travel time standard required under the general plan." (District Comment Letter)

Although one of the District's primary objections to the four Options is based upon its contention that the Project is unable to fund the ongoing cost associated with a fourth station, the District provides no substantiation of this claim. However, there is sufficient information in the Capabilities Assessment and FPP which supports the financial feasibility of the four Options. The Project would provide a source of one-time revenue needed to fund the capital expenditures needed to provide service to the project under any of the four options, and could provide ongoing revenues available from property taxes and other assessments to provide the emergency services in the manner described by the Options. (Table 15 of the Capabilities Assessment.) The Capability Assessment provides detailed information regarding possible funding scenarios. Additionally, if the funding were insufficient, State Law provides various means for the District to raise revenues at any time to meet the costs of providing services as noted above.

The analysis of the Project indicates that fair-share funding from the Project would pay DSFPD over \$1.9 Million Dollars in one-time fire mitigation fees [pursuant to the San Diego County Code of Regulatory Ordinances Section 810.301 – 810.35 and associated DSFPD Resolution 11-01 ("Fire Mitigation Fee")] and annual taxes and assessments of over \$930,000 through property taxes and other assessments collected for fire purposes. (See Exhibit "A" attached to this Global Response.) The project could provide ongoing revenues from property taxes and other assessments to fund a typical crew consisting of a three person paramedic crew, such as shown in the Schedule "A" component of the CALFIRE's Cooperative Agreement with the County. However, the District could raise additional revenue through various means as noted above. The final details of the Options including financing would be documented in a Fire Services Agreement between the Applicant(s) and the applicable fire agency(ies). For example, Option 1 could involve amending the District's existing Schedule An agreement with CALFIRE to have CALFIRE provide emergency services to the Project. Another example could be an agreement, such as required by the District's PFAF, that requires the Project's developer to

enter into a Fire Protection Response Agreement with the District prior to the initial phase of development.

Ongoing Expenses

This Funding calculation assumes a typical crew, such as shown on CALFIRE's Schedule "A" contract, and the salary and benefit packages, augmenting the fire apparatus engineer position with a paramedic (\$30,000 per year more for 3 medic/engineers). (Although the District would ultimately determine the staffing level.)

Fire Station Salary Costs

Position	Salary	Benefits and Additional Overhead	Total Per Position	Annual Total (X3 Positions)
Captain	\$97,908	\$47,412	\$145,320	\$435,960
Fire Apparatus Engineer/Medic	\$89,152	\$36,648	\$125,800	\$377,400
Reserve firefighter	Stipend	Stipend	Stipend	\$20,000
Optional firefighter 1 (instead of reserve)	36,000	\$14,800	\$50,800	\$152,400
Total	\$187,060	\$84,060	\$271,120	\$833,360 to \$965,760

(Source: Capabilities Assessment, Section 3.1.1.)

Commenters also contend that the Options described in the fire section of the REIR were flawed since DSFPD could not recover adequate funds from current property taxes in order to fund the fourth station, but the comments provide no information that would substantiate this claim. The Capability Assessment provides detailed information regarding possible funding scenarios, as well as suggestions should a funding gap be realized. In addition, as noted above, the District is legally obligated to provide fire protection services to the community, and State Law provides various means for the District to raise revenues at any time to meet the costs of providing services. (See Exhibit "A" describing the basis for the funding sources used in these calculations.)

The District states that it would not make up any funding shortfall by the levy of a special assessment to pay for such additional costs, nor would it consider a different staffing arrangement for a fourth station. (District Comment Letter, which states that "Providing a substantially different service to new residents of the District (through the use of reserve firefighters or Firefighter I, a lesser staffing approach to service delivery) is similarly unacceptable".) DSFPD contends that the staffing analyzed under for the Options would create a disparity between the services the residents of the Project would receive and the services that the existing residents would receive. However, all four Options could include the use of a three-person company, which is similar to what is currently being used by the District. The District utilizes a three person company consisting of Firefighter II's (which are all paramedics), whereas the four options utilized a three person company consisting of a Firefighter I or a

reserve Firefighter. Ultimately, the District would determine the appropriate staffing necessary to implement any of the options.

Under Option 1 the District and/or CALFIRE would provide fire and medical emergency services to the Project from the Miller Station site pursuant to an agreement as specified above. An agreement could entail amending the District's existing Schedule A agreement with CALFIRE. DSFPD currently receives services from CALFIRE by contract, in which CALFIRE staffs the district's stations, and provides communications, training, and operational efficiencies (such as the use of the same communication systems) with Miller Station. (Capabilities Assessment, Section 1.2.2.) In fact, until recently, DSFPD included Miller Station in its call volume records because Miller Station has, is, and will likely continue to respond to all emergency calls in its vicinity. (Capabilities Assessment, Section 1.3.2 - DSFPD Incident Data.)

Some comments contend that that the Project must update the District's capabilities so that all of its territory receives the same level of service as the Project. However, new development is not obligated to provide services equal to those received by others in the District, nor is new development required to upgrade the services provided to existing residents in the District. This requirement would go beyond any standard that is presently required by the County for new development projects and would be legally impermissible.

In any event, the Capabilities Assessment concluded that the Options would meet the travel time standards of the General Plan in a manner that is consistent with the District's existing service levels. (The Capabilities Assessment also identified a number of Options available for providing interim fire and emergency services to the Project.) The four Options were included as design features, and the County has the discretion to conditionally approve the Project based upon the implementation of any one of the four Options. (CEQA Guidelines 15126.4(a) (1) (A).) Requiring the implementation of one of the four Options would be similar to past practices of the County requiring developers to either enter into an agreement to provide fire services, to reduce travel times or to construct or upgrade fire stations as a condition of project approval. Although the current DSFPD Board may object to the four Options at this time, the Project would be conditioned to implement one of the Options before a Final Map is recorded for any units outside the 5 minute travel time (71 units are within 5 minutes of Station 11 based on the Fire Capabilities Assessment). This condition would be consistent with the District's PFAF which requires the applicant to enter into a Memorandum of Agreement with the District prior to the initial phase of development.

The Capabilities Assessment and FPP provide substantial evidence that implementation of any one of the four Options would result in the Project's compliance with the travel time standard of General Plan Policy S-6.4. The following illustrate an example of the reasonableness of the options:

- The Project could provide sufficient one-time revenue to fund the capital expenditures needed to provide services under any of the four Options and could provide ongoing revenues from property taxes and other assessments to implement one of the Options. In addition, other feasible funding options are available if a gap in revenue is realized for providing such services, such as a Community Facilities District, etc. (The Project would generate over \$1.9 Million Dollars in one-time Fire Mitigation Fees and annual Taxes and Assessments of over \$930,000 through property tax assessments for fire standby and suppression.)

- A fourth station is included in the design of the Project and incorporated in the Specific Plan for either Phase 3 or Phase 5, that could be funded as described above. Interim fire services could be provided, as described in the REIR that would provide fire services until the fourth station is constructed.
- DSFPD has the existing capability and capacity to serve the Project, including at buildout, as described in the Capabilities Assessment. The FPP and Capabilities Assessment show that the Project can be provided with fire services from four fire stations within close proximity to the Project and nearby fire departments pursuant to mutual aid agreements; sufficient measures (as set forth in the FPP) minimizing fire hazards are included in the Project; travel time from the closest fire station-Miller Station to the furthest structure within the project would be within five minutes; the Project's water supply meets the requirements of the San Diego County's Consolidated Fire Code for a commercial/business/ residential development; and fire access to the Project will meet the requirements of the Consolidated Fire Code.
- Miller Station is located in the northern portion of the DSFPD and has historically responded to all types of DSFPD generated calls. In essence, Miller Station has and will likely continue to provide a fire and emergency medical response to the area.
- Miller Station has the capacity to serve the Project based on its historical call volumes and its emergency medical resources, also noting that and a very small portion of Miller Station's calls are related to vegetation fires.
- The County relies on CALFIRE to provide fire response services within over 50 percent of the unincorporated County's total land area and has extensive experience with contracting with CALFIRE for such services. (GPU EIR, certified August 2011, pp 2.13-7 and 2.13-8, incorporated herein by this reference.)
- CALFIRE's staff is trained to provide local agencies with an all-risk response, including providing emergency medical services and structural firefighting, as explained in the Fire Master Plan. The Fire Master Plan explains that the need to maximize resources and the closest available resource concept has evolved into the need to be prepared to provide reciprocal response capabilities for local government missions. (Fire Master Plan, prepared by SDCFA, July 2013, page 25, which page is incorporated herein by this reference.)

There is sufficient information for the Board of Supervisors to determine that the project would implement one of the four fire service Options included as part of the project.

Decommissioning of Miller

Miller Station is currently operating under the Amador provision in an existing Cooperative Agreement that allows CALFIRE to keep the station open during the off season to augment local fire protection services in CSA 135 in North County. A question has been raised regarding what would happen if this Agreement with CALFIRE and the County was cancelled or the station was decommissioned. The Agreement was originally entered into by the County and CALFIRE in 2005 for Fire and Emergency Medical Services and was extended on April 15, 2011. (Attached as Appendix N to the FPP, County of San Diego and CALFIRE Fire Protection Reimbursement Agreement Amendment, No. 3CA77059.). This agreement was recently amended for an additional five year term expiring in 2018. (County of San Diego and CALFIRE Fire Protection Reimbursement Agreement Amendment, No. 3CA02140) The Cooperative

Agreement utilizes the CALFIRE stations “as the ‘Backbone’ of the SDCFA ‘Combination’ Department where career and volunteer firefighters provide a valuable service to residents within CSA 135 and partner jurisdictions.” (Cooperative Fire Operating Plan between SDCFA and CALFIRE, July 1, 2013 – June 30, 2018, (“Operating Plan”) page 4, which page is incorporated herein by this reference.)

It is reasonable to assume that the Amador component of the Cooperative Agreement will continue to be used by the County to provide emergency services since the County has relied on this arrangement to provide such services, and it is part of the County’s long standing system of delivering fire services within the County. If the Amador component of the Cooperative Agreement should be cancelled as suggested by the commenters, it would have a significant effect on the way emergency services are provided throughout the entire county. CALFIRE is for fire response services within over 50 percent of the unincorporated County’s total land area, operates 18 stations within the County and provides emergency services support for fire districts via contracts with the County. (GPU EIR, certified August 2011, pp 2.13-7 and 2.13-8.)

With respect to Miller Station, CALFIRE considers the station “an essential priority station” and has stated that it will remain as one of CALFIRE’s Amador Stations. (email from Tony Mecham to Jon Rilling, dated April 21, 2015, a copy of which is attached hereto and incorporated herein by this reference.) Under the Amador provision of the Cooperative Agreement, Miller Station augments local fire services to CSA 135 in the North County. Miller Station is situated in a key location for fast response to wildfire ignitions where time is critical for early containment and prevention of exponential fire spread. (Capabilities Assessment, Section 2.4.2.)

CEQA does not require analysis of impacts that are remote or speculative since CEQA only requires analysis of reasonably foreseeable impacts. (CEQA Guidelines Section 15064(d) and In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings (2008) 43 Cal.4th 1143, 1173.) Therefore, CEQA would not require an EIR to engage in speculation as to whether emergency services may no longer be provided by an essential priority station to the North County. Furthermore, the Schedule “A” and Amador provisions of the Cooperative Agreement have been characterized as the “‘Backbone’ of the SDCFA ‘Combination’ Department” in providing emergency services to CSA 135 and partner jurisdictions. Lastly, no evidence or information has been provided to indicate that this arrangement would change. Sufficient information has been presented for the County to determine that for purposes of this Project, Miller Station would continue to provide services in the current manner pursuant to the Amador provision of the Cooperative Agreement.

However, should the Amador provision of the Cooperative Agreement terminate or the Miller Station be closed before the project is implemented, the project is still required to implement one of the four fire service Options. The impacts resulting from such an event would be relevant only if Option 1 was implemented by the project and Miller Station was subsequently closed. However, in order to implement Option 1 for DSFPD to provide emergency services to the project from this site, an additional agreement would be required and improvements to Miller Station would need to be made. An agreement would be required before any improvements could be made at the Miller Station site and reasonable assurances would be included for DSFPD to continue to have access and use of these improvements, which would be owned by the District. If Option 2 was implemented, emergency services would be provided by DSFPD from a new DSFPD fire station on the Miller Station site or by remodeling Miller Station to co-locate DSFPD at that site. In either scenario, an agreement would be required between DSFPD and CAL FIRE in order to construct improvements on the Miller Station site which would also require reasonable assurances that DSFPD be able to continue to have access to

and use of these improvements that would be owned by the District. The termination of the Amador provision in the Cooperative Agreement or the closure of Miller Station would not have any impact on the implementation of Option 3 or 4 because DSFPD would provide emergency services to the project from a facility located on a site owned by DSFPD under either of these options. In any event, DSFPD would continue to be responsible for providing emergency services to the project, and the District has determined that it could provide emergency services to protect the health, safety and the general welfare of the project and the existing community.

From: Mecham, Tony@CALFIRE [<mailto:Tony.Mecham@fire.ca.gov>]

Sent: Tuesday, April 21, 2015 1:37 PM

To: Jon Rilling

Cc: Randy Goodson

Subject: RE: Miller Station

John

Miller is funded by CAL FIRE for 8 months of operations. April 15 – Dec 15. This is the budgeted period for our seasonal workforce. The Captains are funded year round.

The County funds 9 Amador stations which essentially funds the month gap period for the Firefighters. The 9 stations are at the discretion of the Unit Chief. We consider Miller one of the essential priority stations used to cover portions of CSA 135 and therefore Miller will remain as one of our Amador Stations.

Tony Mecham

Unit and County Fire Chief

CAL FIRE San Diego

Proudly serving the San Diego County Fire Authority, San Miguel Fire District, San Diego Rural Fire District, Pine Valley Fire District, Deer Springs Fire District, Ramona Municipal Water District, Yuima Municipal Water District

EXHIBIT "A"
Lilac Hills Ranch
Fire Services Revenue Summary
June 29, 2015

	2017	2018	2019	2020	2021	2022	2023	Overall
Absorption - Residential								
Annual Residential Units Built	247	454	484	315	200	46	-	1,746
Cumulative Residential Units Built	247	701	1,185	1,500	1,700	1,746	1,746	
I. INCREMENTAL REVENUE FOR O&M								
<u>Residential - Taxes & Assessments:</u>								
Ad-Valorem Taxes	\$ 26,649	\$ 44,602	\$ 49,009	\$ 32,800	\$ 18,597	\$ 2,930	\$ -	\$ 174,588
Fire Standby/Availability Assessment ^(e) :	38,473	70,392	75,053	49,164	31,138	7,071	-	271,291
Fire Suppression Assessment ^(e) :	63,312	105,011	114,990	76,934	42,979	6,417	-	409,643
Subtotal Residential	\$ 128,434	\$ 220,005	\$ 239,052	\$ 158,898	\$ 92,714	\$ 16,418	\$ -	\$ 855,522
<u>Non-Residential - Taxes & Assessments ^(a):</u>								
Ad-Valorem Taxes	\$ -	\$ -	\$ -	\$ 12,361	\$ -	\$ 465	\$ -	\$ 12,827
Fire Standby/Availability Assessment ^(e) :	-	-	556	5,366	-	3,930	-	9,852
Fire Suppression Assessment ^(e) :	-	-	-	42,003	-	16,001	-	58,005
Subtotal Non-Residential	\$ -	\$ -	\$ 556	\$ 59,730	\$ -	\$ 20,397	\$ -	\$ 80,683
Total Annual Revenues Available for O&M	\$ 128,434	\$ 348,440	\$ 588,048	\$ 806,676	\$ 899,390	\$ 936,205	\$ 936,205	
Total Annual Revenue Available for O&M w/ 2% annual inflation (c)	\$ 128,435	\$ 355,409	\$ 611,805	\$ 856,051	\$ 973,528	\$ 1,033,646	\$ 1,054,319	

II. REVENUES FOR CAPITAL FACILITIES (ONE-TIME) ^(f)								
Fire Mitigation Fees - Residential	\$ 273,010	\$ 452,824	\$ 495,857	\$ 331,752	\$ 185,334	\$ 27,669	\$ -	\$ 1,766,446
Fire Mitigation Fees - Non-Residential ^(a)	-	-	-	144,900	-	55,200	-	200,100
Annual Revenues for Capital Facilities from New Construction	\$ 273,010	\$ 452,824	\$ 495,857	\$ 476,652	\$ 185,334	\$ 82,869	\$ -	\$ 1,966,546
Cumulative Revenues for Capital Facilities	\$ 273,010	\$ 725,834	\$ 1,221,691	\$ 1,698,343	\$ 1,883,677	\$ 1,966,546	\$ 1,966,546	

Footnotes:

(a) Assumes the non-residential component is constructed in the completion year of respective phases.

(b) The project is estimated to generate \$0 ALS revenue per year at build-out per the Capabilities Assessment prepared by DUDEK and Hunt Research Corp. dated June 2013. This analysis assumes the ALS revenue generated each year is proportionate to the residential units completed.

(c) The analysis assumes 2% annual inflation of O&M revenues beginning 2017. This is based upon a 2% annual increase in home values.

(d) Assumes the Ad-Valorem Tax, Fire Standby Assessment, Fire Suppression Assessment, revenues are received by DSFPD in the year subsequent to the year the homes and non-residential property are completed.

(e) The Residential and Non-Residential funding is based on "3105-02 Fire Suppression Fee Assessment FY 2014-2015" & "3105-01 Standby/Availability Fee Assessment FY 2014-2015"

(f) The Fire Mitigation Fees are based upon the Deer Springs Fire Protection District Resolution 11-01 "Fire Mitigation Fee"