

LETTER

RESPONSE

<p>1 Page of 3</p> <p>July 22, 2014</p> <p>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</p> <p>Subject: Revised DEIR Public Comments Regarding the DEIR Chapter 2.8 Noise 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).</p> <p>Dear Mr. Slovick:</p> <p>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 2.8 Noise</p> <p>In DEIR Subchapter 2.8 Noise the County of San Diego factually understates Significant Impacts and offers ineffective Mitigation of the Noise Impacts that the County concedes are Significant.</p> <p>Comment 2.8-1: THE COUNTY'S ANALYSIS OF NOISE IMPACTS DOES NOT ACCURATELY ASSESS THE TRAFFIC NOISE IMPACTS TO EXISTING OFF SITE RESIDENTIAL STRUCTURES</p> <p>The County of San Diego has not fairly represented to the Public the Off-Site Noise Impacts of the Project upon existing Off-Site Residences in its DEIR.</p> <p>The DEIR's Noise Study Chapter does not reasonably disclose factual impacts to the existing residential housing located off Covey Lane, Mountain Ridge, Rodriguez Private Roads, West Lilac Public Road and other offsite existing residential structures at other locations.</p> <p>For example, the modeled results in Table 12 of Appendix M- Noise Report for APN 129-430-13 (Receptor R-150) conflict with the 60 and 65 CNEL noise contour presented in FIGURE 6-b in Appendix M (Attachment 1). We challenge the County's representation that future cumulative noise level at 57 CNEL for location R-150, since the residence is in the path of the 65 CNEL contour in FIGURE 6-b in Attachment 1.</p> <p>Other existing residences in the locations mentioned above when objectively analyzed have Significant Impacts above thresholds.</p>	<p>I51f-1 The comment is an introduction to comments that follow and does not raise any specific issue regarding the analysis. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. Specific comments on the proposed project are addressed below.</p> <p>I51f-2 The comment is an introduction to comments that follow and does not raise any specific issue regarding the analysis. Therefore, no more specific response can be provided or is required. The noise analysis adequately assesses traffic noise impacts at existing off-site locations and fully discloses the potential noise impacts to off-site residences. Specific comments are addressed in the responses that follow.</p> <p>I51f-3 The County acknowledges the commenter's concerns regarding noise impacts to existing off-site residential structures, including housing located off Covey Lane, Mountain Ridge Road, Rodriguez Road, and West Lilac Road.</p> <p>To determine if off-site noise impacts would occur, worst-case scenario off-site single-family residences along West Lilac Road, Covey Lane, and Mountain Ridge Road were included in a detailed model. (See FEIR Figures 2.8-3a and 2.8-3b, and Table 2.8-12.) The noise impact analysis evaluates all roadways that will be affected by project-related traffic, as determined by the Traffic Impact Study ("TIS") included as Appendix E to the FEIR. Off-site receivers along Rodriguez Road were not included in the noise modeling because project related traffic on this roadway would be minimal and, therefore, noise levels are not expected to exceed the threshold within the County Guidelines and the County General Plan Noise Element.</p> <p>The reason project-related traffic would be minimal is because the project would not use Rodriguez Road on a daily basis as it would be considered an additional access point for emergency use only (see Chapter 1.0, subchapter 1.2.1.4). Therefore, project-related traffic on Rodriguez Road would not result in off-site noise impacts because project traffic contributions to this roadway are substantially low and impacts are considered less than significant. Please refer to Appendix M, Noise Report, Section 1.1.2.3.</p>
--	--

LETTER

RESPONSE

	<p>I51f-3 (cont.)</p> <p>Based on the detailed off-site noise modeling, noise levels at all off-site residences (NSLU) would comply with the General Plan Noise Compatibility Guidelines (Table N-1 of General Plan Noise Element) and Noise Standards (Table N-2 of General Plan Noise Element) (FEIR subchapter 2.8.2.1 and subchapter 2.8.3.1), with the exception of existing NSLU along Covey Lane and Lilac Hills Ranch Road. These residences would experience increased noise levels because project traffic would increase. However, as previously noted, while noise levels would increase by 10 decibels, the resulting levels would be below the County's 60 decibel noise standard. With respect to the aforementioned NSLUs along Covey Lane and Lilac Hills Road, mitigation is not feasible for this significant impact because a noise barrier would have to be continuous to be effective, and driveway openings would prevent that continuity. Traffic calming measures such as lower speed limits or speed bumps are not feasible because they could negatively affect traffic circulation and emergency response times.</p> <p>The comment also refers to what may appear at first to be contradictory CNEL values for the same local receiver location, APN 129-430-13 (Receptor R-150). However, the results on Table 12 of Appendix M represent 'off-site' direct noise impact values, which are derived based on detailed modeling. These table results have no relation to Figure 6b which shows 'on-site' future build-out traffic noise levels, which are derived based on noise contours. Unlike the detailed modeling conducted to assess off-site impacts, the purpose of on-site noise level contours in this case is to determine where noise protection easements may be required for future on-site land uses. Noise level contours generally over predict the future noise level at a given site because they are based on conservative assumptions (e.g., they do not account for noise reductions attributable to topography, vegetation, or intervening structures). Accordingly, the contours provide a margin of safety, which is addressed by requiring future analysis for structures constructed within the noise contour, to ensure future land uses are compatible with the future noise environment. In short, any "contradictory" CNEL values are due to varying methodologies.</p> <p>Please see Appendix M, Noise Report Section 2.2 for the 'on-site' analysis of potential noise impacts and Section 2.3 for the 'off-site' analysis of potential noise impacts.</p>
--	--

LETTER

RESPONSE

2 | Page of 3

The County's lack of independent analysis is evident in the DEIR assessment of Noise Impacts. The Project's single point "offsite noise modeling" (Attachment 2) selects a point along West Lilac where there are no existing houses. The Project claims that they have (maybe) set back future Project residential housing **within the subdivision boundaries** from the 65 CNEL contour.

How about the impact on existing homes? Why wasn't a stretch of West Lilac further east with existing housing selected for analysis?

The County needs factual and complete disclosure of Traffic Noise impacts on ALL EXISTING OFFSITE RESIDENTIAL HOUSING.

An unbiased and comprehensive analysis of Traffic Noise modeling for all existing offsite residential units is required by the County to fairly and objectively measure the impacts of this proposed Project.

Comment 2.8-2: THE COUNTY'S PROPOSED MITIGATION IS INEFFECTIVE IN MITIGATION OF TRAFFIC NOISE IMPACTS TO EXISTING OFF-SITE RESIDENTIAL STRUCTURES

Existing Residential Structures are infeasible to convert to Noise abating construction. On most of the offsite locations, the Applicant does not have property rights to construct sound walls or earth berm mitigation.

The mitigations proposed by the County; Mitigations MN1 through 20 (excepting Impacts 3 and 17 which are admitted to be Unavoidable) are pedantic discussions that DO NOTHING to mitigate the Noise Impacts evaluated as Significant. A key theme of these "mitigations" is future non-specific promises of performance for which there is no guarantee. Mitigation needs to be specific and certain.

The proposed Mitigations offer theoretical approaches, with no applied solutions that reduce noise below the thresholds of Significance.

Therefore, Impacts N-1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, and 20 remain Significant and Unmitigated.

Comment 2.8-3: THE COUNTY'S PROPOSED MITIGATION M-N-1 IS INEFFECTIVE

From page 89 Noise Report"

"MM N-1: Prior to approval of the master tentative map, or subsequent implementing tentative map, as appropriate, the project applicant shall dedicate "noise protection easements" on the master tentative map and each subsequent implementing tentative map for all lots located within the noise easement contour, as shown on Figures 6a and 6b."

I51f-4

I51f-5

I51f-6

I51f-7

I51f-8

I51f-9

I51f-4

The County acknowledges the commenter's concerns regarding Appendix M, Noise Report Attachment 3, Figure 1 Noise Mitigation Evaluation-West Lilac Road. The graphic that the commenter is referencing was only intended to forecast 'on-site noise' impacts as specified in Section 2.2.1.i 'off-site noise' impacts are assessed in different graphics (Figures 7a and 7b) and Tables 11 and 12 within Section 2.3 of the Noise Report.

The commenter also states that the project will "maybe" set back future residential housing from the 65 CNEL contour. This comment is referring to noise protection easements which are required under mitigation measures M-N-1 and M-N-2. To clarify, the noise protection easements are not setbacks. Rather, they are recorded easements on the Final Map that require additional noise analysis for future residences constructed within the on-site easement. The easement requires preparation of a noise study that would identify site-specific measures that would reduce noise levels and demonstrate compliance with the standards for the subject land use as stated in Tables N 1 and N-2 of the County General Plan Noise Element (see Appendix M, Tables 7 and 8). As a result, mitigation to ensure future residents are not subject to noise levels in exceedance of General Plan Noise Element Requirements is assured.

I51f-5

The County acknowledges the commenter's concerns regarding noise impacts on existing homes further east along West Lilac Road. The noise report evaluated all worst-case roadways and existing off-site residences that would be affected by project related traffic.

The noise analysis adequately identifies the potential impacts to existing off-site residences as shown on Figure 7a & 7b and Tables 11 and 12 within Appendix M, Noise Report. Off-site direct noise impacts have been identified along Covey Lane and Lilac Hills Ranch Road and are considered significant and unavoidable. See Figures 2.8-3a and 2.8-3b and Table 2.8-12 of subchapter 2.8 of the FEIR for the location of off-site receptors evaluated. As shown in these figures, homes located along the north side of West Lilac Road were properly analyzed.

LETTER

RESPONSE

	<p>151f-6 The County acknowledges the commenter's concerns regarding existing off-site residences. As discussed in the preceding responses, the noise impact analysis evaluates all roadways that would be affected by project-related traffic, and assesses the potential traffic noise impacts to existing off-site residences. The FEIR Noise section analyzes those receptors, including residences, impacted by the increase in traffic noise levels, and the level of noise they will experience. FEIR Figures 2.8-3a and 2.8-3b show the off-site receptor locations; and Table 2.8-12 shows the future noise levels these locations will experience. The analysis identified the worst-case noise impacts to existing off-site residences that would be affected by project traffic. In other words, the residences that would be subject to the greatest noise levels were evaluated. Receptors located further away from these locations would be subject to lower noise levels and additional analysis is not needed for land uses further away from the noise source. Thus, the analysis adequately identifies the potential impacts to existing off-site residences and analysis of additional receivers is not required.</p> <p>As detailed in subchapter 2.8 of the FEIR, the noise levels at all off-site residences (NSLU) would comply with the General Plan noise and land use compatibility guidelines. However, the analysis identified significant and unavoidable impacts to off-site residential receivers located along Covey Lane and future Lilac Hills Ranch Road, (Impact N-3) because these residences would experience increases of 10 decibels in ambient noise levels over existing levels. Mitigation is not feasible for this significant impact because a noise barrier would have to be continuous to be effective, and driveway openings would prevent that continuity. Traffic calming measures such as lower speed limits or speed bumps are not feasible because they could negatively affect traffic circulation and emergency response times. For additional information regarding direct off-site traffic noise impacts, please refer to Figures 7a and 7b and Tables 11 and 12 [identifies the noise levels at all off-site receptors] within Appendix M, Noise Report as mentioned above. You may also refer to the subchapter 2.8.2.1, Off-Site, and Figures 2.8-3a and 3b, and Table 2.8-5 of the FEIR. For additional information regarding cumulative traffic noise impacts, please refer to FEIR subchapter 2.8.3.1, as well as Tables 2.8-11 and 2.8-12.</p>
--	--

LETTER

RESPONSE

	<p>I51f-7 The County acknowledges the commenter's concerns regarding infeasible mitigation for off-site residences. Staff agrees with this comment because the applicant does not have the necessary off-site property rights and access to implement noise reducing measures to existing residences along Covey Lane and Lilac Hills Ranch Road. Although mitigation measures were discussed, noise impacts were determined to be significant and unmitigable as described in the FEIR subchapter 2.8.6.1. Additionally, please refer to Appendix M, Noise Report Section 2.3 and Tables 11 and 12 which identifies and describes noise impacts at off-site locations.</p> <p>I51f-8 The County acknowledges the commenter's concerns regarding the proposed measures not mitigating significant noise impacts. Staff respectfully disagrees and describes the referenced mitigation measures below:</p> <p>Mitigation measures M-N-1 and M-N-2 address on-site traffic-generated noise impacts (impacts N-1 and N-2). M-N-1 requires that prior to Final Map approval, the project applicant is to dedicate noise protection easements, which contain a restriction requiring compliance with the applicable County General Plan noise standards. As stated in the mitigation measure, potential feasible measures to achieve compliance include, but are not limited to, altering lot configurations and building locations, varying grading contours, and construction of noise barriers.</p> <p>Related mitigation measure M-N-2 requires building permit level analysis demonstrating that interior noise levels would not exceed applicable County noise standards. As previously noted, both M-N-1 and M-N-2, and all adopted mitigation measures, would be enforced by the County through adoption and implementation of a mitigation monitoring and reporting program. (See Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097.)</p> <p>Mitigation measures M-N-3 through M-N-7 address stationary noise impacts (impacts N-4 through N-10) and require implementation of best engineering practices, including consideration of the noise rating of selected equipment, equipment orientation and placement within the site, and site design, such as building placement and the use of terrain to shield adjacent properties from on-site noise generators.</p>
--	---

LETTER

RESPONSE

	<p>I51f-8 (cont.)</p> <p>Mitigation measures M-N-8 through M-N-12 address construction noise and vibration impacts (impacts N-11 through N-16) and would reduce these impacts to less than significant by certain defined construction prohibitions and requirements to be implemented during construction activities, such as limiting construction equipment operations, installation of temporary noise barriers, establishing setback distances for rock crushing activities, and submittal of blast/drilling and monitoring plans. These measures would be enforceable through project conditions placed on Final Maps and grading permits.</p> <p>As disclosed in the FEIR, however, mitigation is infeasible as to the direct and cumulative off-site traffic-generated noise impacts, impacts N-3 and N-17, respectively, along Covey Lane and the future Lilac Hills Ranch Road; accordingly, these impacts would remain significant and unavoidable. (See FEIR subchapter 2.8.6.1.)</p> <p>Under CEQA, where the formulation of the precise means of mitigating impacts is infeasible or impractical, or where feasible mitigation measures are known, but practical considerations prohibit developing the specific measure during the planning process, the agency can commit itself to eventually devising measures that will satisfy specific performance criteria articulated at the time of project approval. The mitigation measures identified in the FEIR meet such requirement.</p>
--	---

LETTER

RESPONSE

How does the County propose to acquire "Noise Protection Easements" for the Project's Offsite Noise Impacts on (proposed) Covey Lane Public Road, Mountain Ridge Private Road, Rodriguez Private Road, West Lilac Public Road and Circle R Drive Public Road?

These offsite routes for Project Traffic will generate huge Noise effects. The Applicant does not own property to provide "noise easements" along these routes. There are existing residential structures within the offsite "noise easement" space.

The County is defective in offering NM-1 as mitigation.

This mitigation is infeasible and the Impact remains **Significant and Unmitigated**.

Sincerely,



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

Att 1 Figure 6a and 6b Noise Report App M
Att 2 Appendix 2 Offsite Noise Modeling

I51f-9
cont.

I51f-9

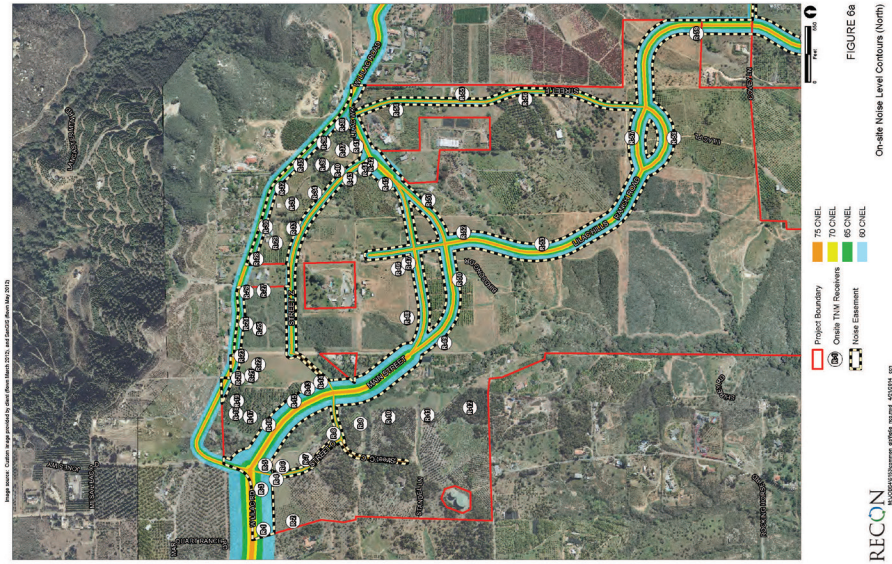
The County acknowledges the commenter's concerns regarding Noise Protection Easements for off-site receptors. Noise Protection Easements are required under mitigation measures M-N-1 and M-N-2 and would be a recorded easement on the project site and not at off-site locations. Mitigation measure M-N-1 is not intended to address off-site impacts but, instead, applies to impacts within the project site.

Staff agrees with the commenter specifying that the Applicant does not own off-site property to provide any noise easement restrictions. As shown on Figure 6a and 6b within the Appendix M, Noise Report, all noise protection easements would only apply within the project boundaries and are not applicable to off-site locations.

As disclosed in the FEIR, however, mitigation is infeasible as to the direct and cumulative off-site traffic-generated noise impacts, impacts N-3 and N-17, respectively, along Covey Lane and the future Lilac Hills Ranch Road; accordingly, these impacts would remain significant and unavoidable. (See FEIR subchapter 2.8.6.1.)

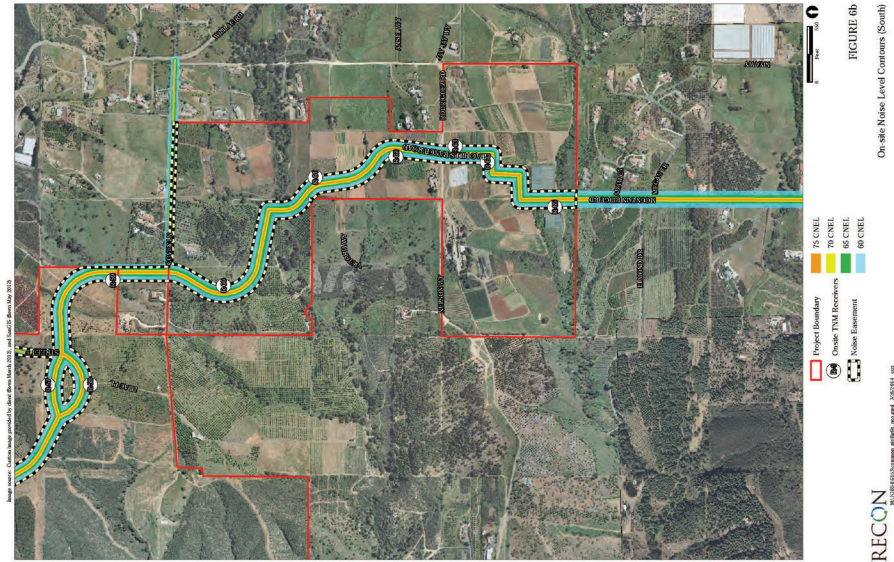
LETTER

RESPONSE



LETTER

RESPONSE





Appendix Figure 1
Noise Mitigation Evaluation - West Lilac Road