

LETTER

RESPONSE

Letter O3f

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VIA EMAIL

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

Dear Mr. Slovick:

This law firm represents Heart of Valley Center, a California non-profit corporation. We submit the following comments on the LHR DEIR analysis of Cumulative Impacts located within various subchapters of Chapter 2.0 of the DEIR. The DEIR's Cumulative Impacts Analysis fails to provide a summary or a reasonable analysis of the cumulative impacts of relevant projects, fails to identify which projects are included in its conclusions, and fails to include relevant projects in its analysis. The DEIR's conclusions concerning cumulative impacts and proposed mitigation or avoidance are therefore unsupported and inadequate as more fully detailed below.

O3f-1

The DEIR's Cumulative Impacts Analysis Fails to Comply with CEQA Requirements

The cumulative impact analysis is divided among the various impact subchapters making it difficult for the public and ultimately the decisionmaker to comprehensively grasp the full cumulative impact of the LHR Project and other past, present and reasonably foreseeable future projects. The DEIR should provide a "summary of the expected environmental effects to be produced by those projects with specific reference to additional information stating where that information is available, and...A reasonable analysis of the cumulative impacts of the relevant

O3f-2

O3f-1 The comment provides introductory comments to the letter. The commenter's opinion and discussion of project concerns is acknowledged and included in the project's FEIR for the decision makers to consider.

O3f-2 The cumulative impact analysis is provided for each separate impact subchapter found in Chapters 2.0 and 3.0 the FEIR, consistent with the County's Environmental Impact Format and General Content Requirements (September 26, 2006). There is no requirement that cumulative impacts be presented in a particular format as suggested by the commenter here. (Citizens for Open Gov't v. City of Lodi (2012) 205 CA4th 296, 320 n.10.) Furthermore, the cumulative impact analysis of the FEIR otherwise complies with CEQA Guideline section 15130 as described more below. In addition, for the reader's ease, multiple tables are provided to allow comprehensive review of the identified alternatives to the project. Table 4-1 provides a summary table of the different land uses proposed by each alternative compared to the project. Tables 4-2 and 4-3 compares impacts of all the alternatives with the project. Also, Table 4-4 provides a matrix to show each alternative relative to each of the objectives.

The cumulative impact analysis in the FEIR is consistent with CEQA as it provides a reasonable summary, explanation and analysis of cumulative impacts of relevant projects and circumstances as required by CEQA Guidelines section 15130(b)(4)-(5). Such summary, explanation and analysis is provided as part of each FEIR subchapter that addresses each type of potential project impacts. A summary of the potential for cumulative environmental effects to be produced by the relevant projects near the proposed development (as listed on Table 1-6 and Figure 1-24) is discussed, as applicable, for each environmental issue analyzed in Chapters 2.0 and 3.0, which is explained in FEIR Subchapter 1.7. If it was appropriate in the context to use a subset or lesser number of projects identified on Table 1-6 and Figure 1-24 for a particular cumulative analysis, then an explanation of that decision is provided in the FEIR as appropriate (such as with cultural resources and soils, for example). Also, the list of projects on Table 1-6 and Figure 1-24 was not used for cumulative analyses of air quality and GHG emission impacts as those impacts are studied on a region-wide or County-wide basis, which is greater than the geographic area encompassed by the cumulative project list.

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	<p>O3f-2 (cont.)</p> <p>Further, for each environmental issue reasonably analyzed in Chapters 2.0 and 3.0, the FEIR, feasible mitigation measures were identified and proposed that would avoid or lessen the project's contribution to any significant cumulative impacts as required by CEQA Guidelines section 15130(b)(5).</p> <p>As noted above, the cumulative analysis methodology sometimes differs depending on the environmental issue analyzed and, similarly, the cumulative study area differs for some environmental issues studied. Thus, certain cumulative projects in Table 1-6 and shown on Figure 1-24 may not be relevant for every issue area cumulative analysis and certain cumulative issue analysis methodologies do not require utilization of the cumulative project list. Impacts of cumulative projects were considered in the analysis within each section of the FEIR, as applicable. Qualitative analysis was provided as appropriate (see e.g., subchapters 2.2.3 and 2.4.3 of the FEIR) and the level of detail corresponding to the severity of the impact and the likelihood that it will occur was analyzed (see e.g., subchapters 2.2.3, 2.3.3, 2.4.3 and 2.8.3 of FEIR). The methodology employed within each cumulative impact analysis section is described or explained within that subchapter of the FEIR, and is consistent with the direction in the County's Guidelines for Determining Significance relative to that issue area.</p> <p>The cumulative projects specifically identified in this comment are all included in Table 1-6 and Figure 1-24. All project information associated with each cumulative project is available to the public at the County via the documentum system. This is consistent with the direction in the County's Guidelines for Determining Significance relative to that issue area.</p>
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projects. An EIR shall examine reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects." CEQA Guideline 15130(b)(4-5). The DEIR fulfills none of these CEQA informational roles and should be revised and recirculated for public review.

The DEIR identifies 168 Cumulative Projects (see Table 1-6). The vast majority of these projects are located within the I-15 corridor (see Figure 1-25) which will clearly result in identifiable related visual, air quality, traffic, agricultural resource, biology and cultural impacts. CEQA Guideline 15130(a)(1) provides: "a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts." However, the cumulative impacts sections dealing with these specific impacts are devoid of any analysis or, in some cases, do not even mention the specific projects having related and therefore cumulative impacts. This is particularly troubling given the related impacts of several large projects such as the Campus Park, Campus Park West, New Palomar College Campus, Warner Ranch, and North County Metro-NC 42 (Merriam Mountain).

The DEIR identifies the projects in Table 1-6 but makes no effort to reasonably analyze the impacts of the identified projects in the cumulative impacts discussion. This analytical omission renders the DEIR insufficient as an informational document. The DEIR fails to even mention in the subchapter cumulative impacts discussions the following impact intensive projects which collectively will result in the addition of over 4000 residences and 1,009,000 square feet of commercial, office professional, retail and light industrial uses in the surrounding area as well as an aggregate quarry and a 1,770 acre regional landfill: Campus Park, Campus Park West, Pala Mesa Highlands, Rosemary Mountain/Palomar Aggregates Quarry, Palomar College North Education Center, Warner Ranch, Palisades Estates, Gregory Landfill, Bonsall – BO 18,20,22,29,32,33, North County Metro – NC42 (Merriam Mountain), Valley Center – VC 57, 63, 64, Castle Creek Condominiums, Hidden Meadows – Oak Woodlands Rezone, Mountain Gate Rezone, Golf Green Estates/S/Site Plan.

Clearly, many of these projects have reached the level of permit processing or environmental review such that information concerning their specific impacts is readily available and should properly be part of the cumulative impacts analysis. If it is "reasonable and practical to include the projects" in the cumulative impacts analysis, they should be included. *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 723.

Instead, the DEIR relies on conclusions of significance or insignificance of impacts devoid of any reasoned analysis. This is not permissible under CEQA. *Whitman v. Board of Supervisors* (1979) 88 Cal.App.3d 397 (Discussion lacking even a "minimal degree of specificity or detail" is inadequate and the discussion must be more than a conclusion "devoid of any reasoned analysis." 88 Cal.App.3d at 411. Similarly, in *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, EIR's analysis of significant cumulative impacts was legally inadequate because it simply asserted that nonspecific cumulative development would have community character, agricultural and visual impacts. These analytical deficiencies must be corrected.

O3f-2 cont.

O3f-3

O3f-3 FEIR subchapter 1.7 clearly summarizes the methodology employed for the cumulative analyses found within the subsequent subchapters of the FEIR, and each FEIR Chapter 2 subchapter further describes the cumulative study area and methodology for the issue analyzed. FEIR Table 1-6 includes a list of all cumulative projects for which the County had applications on file along with other pending or "reasonably foreseeable projects." Projects identified in FEIR Table 1-6 were taken into consideration in the cumulative analyses, as appropriate, regardless of whether or not each of the 181 cumulative projects were specifically identified by name within each issue area discussion. Please also see response to comment O3f-2.

For example, as stated in the Traffic Impact Study (Appendix E) of the FEIR, the traffic cumulative analysis used SANDAG's Series 12 Year 2020 Transportation Model to forecast cumulative traffic volumes. SANDAG Year 2020 land use assumptions were examined to ensure that anticipated land development projects within a seven-mile radius of the proposed project were accurately reflected in the model. A list of 169 cumulative projects was compiled, including the cumulative project list utilized for the recent Meadowood development project (#1 to #96); geographically applicable projects from the County GPA Property Specific Workplan list, dated June 28, 2012 (#97-#110); and a list of discretionary projects obtained from SanGIS (August 2011) and refined to include projects with potentially relevant trip generation, such as Major Use Permits, General Plan Amendments, Specific Plans and Amendments, Tentative Maps, and Tentative Parcel Maps (#111-#171). Both County staff input and the KivaNet system were utilized to gather detailed project land use descriptions. Table 6.1 of the Traffic Impact Study displays the approved and pending cumulative project list which was incorporated in the SANDAG Transportation Model. The results of the traffic modeling were subsequently used in the modeling of operational air quality, noise, and greenhouse emissions cumulative analyses. Ultimately, this information was utilized to determine if there was a significant cumulative impact per the various County Guidelines and to determine if the project's contribution was cumulatively considerable.

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In addition, the DEIR fails to include pending projects in the nearby incorporated cities of San Marcos and Escondido and fails to mention at least one pending County project: Valiano. In addition, Table 1-6 does not appear to include the Meadowood development project mentioned in the Transportation/Traffic Subchapter. These other pending and reasonably foreseeable future projects must be identified and analyzed in the cumulative impacts discussion in the DEIR.

Comments re: Visual Resources Cumulative Impacts Analysis

The DEIR improperly limits its vague and nonspecific cumulative visual impacts analysis to the Project's immediate view shed and local projects illustrated on Figure 1-24. It omits any identification of cumulative visual impacts from planned projects outside this limited area and, in particular, along the I-15 corridor. I-15 is an eligible California Scenic Highway and part of the County Scenic Highway system (DEIR p. 2.1-2). The DEIR acknowledges that the project site, located approximately 1/3 of a mile or 1450 feet from I-15, will be visible to drivers along this scenic road (DEIR p. 2.1-2). This is an area of rural, mountain and hillside views. The cumulative visual impacts of the combined projects impacting the I-15 corridor view shed should be identified and analyzed particularly since the project's incremental effect may be cumulatively considerable when these other projects are properly included in the cumulative impacts analysis.

The DEIR's limited discussion of 12 projects in the immediate area requires greater specificity in order to serve its informational purposes under CEQA. Please identify by project reference number or PSR number each of the specific projects described at p. 2.1-23. The DEIR's conclusion that the two major subdivisions on 62 acres of currently undeveloped land would visually blend into the existing viewshed is a bare conclusion, lacking any support or analysis.

Likewise, the conclusion that like "the proposed project, the Property Specific Requests illustrate an intention of the surrounding property owners to pursue residential opportunities", is irrelevant to a visual impacts analysis and does not provide the reader with any understanding of the significant cumulative visual impacts resulting from the LHR Project and these other projects.

The foundational inadequacies in the visual resources cumulative impacts analysis undermine the so called mitigation measures which fail to provide "reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects." If those effects have not been adequately analyzed in the first instance, then proper mitigation or avoidance has not been proposed for these unanalyzed impacts.

In addition, the DEIR must discuss mitigation measures that minimize the project's cumulative impacts. Pub. Res. Code sections 21002, 21002.1(a), 21100(b)(3) and 21151. The DEIR indicates mitigation measure M-V-1 is infeasible and M-V-2 does not address this project's contribution to cumulative visual impacts.

O3f-4

O3f-5

O3f-6

O3f-4 The geographic area determined for the FEIR's cumulative impact analysis is discussed at FEIR subchapter 1.7 and shown on Figure 1-24. The approximately 7- to 8-mile radius for the general geographic area with other relevant pending projects that may be studied, as applicable, relating to cumulative impacts is reasonable and complies with the requirements of CEQA Guidelines sections 15130(b)(2)-(3).

The cities of San Marcos and Escondido lie outside the regional cumulative impact study area. The Valiano project, otherwise known as "Eden Hills," located at 3240 Whitney Road, Escondido, also lies outside the regional cumulative study area. The County concurs that the Meadowood project was omitted from the text in Table 1-6. In response to this comment, Table 1-6 has been revised in the FEIR and has been included in the cumulative analysis, as applicable.

O3f-5 The project's cumulative analysis relative to visual impacts is consistent with the County's Guidelines for Determining Significance and Report Format and Content Requirements for Visual Resources ("Guidelines") (July 30, 2007). As stated in the Guidelines Section 1.1, "The visual environment can be vast; therefore, for purposes of analyzing impacts, boundaries must be placed on it. The area within those boundaries is commonly referred to as the viewshed. The viewshed is the area visible from an observer's viewpoint, including the screening effects of intermediate vegetation and structures." As described in subchapter 2.1.3, projects contributing to cumulative visual effects include those within the project viewshed or the area within which the viewer is most likely to observe both the project and surrounding land uses. Viewpoints along the I-15 corridor are not within the project's viewshed (see FEIR Figure 2.1-24). Note that the visual analysis has been updated subsequent to this comment letter to reflect the current cumulative project list.

Details of the cumulative projects are found in FEIR Table 2,1-1, complete with project reference numbers. The FEIR states that the project, along with the cumulative projects, would result in significant cumulative visual impacts. As disclosed in the FEIR subchapter 2.1.6, the composition of the project viewshed would be adversely affected by physical changes introduced by the project along with projects within the cumulative project area. This is expressly identified as Impact V-4.

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	<p>O3f-5 (cont.)</p> <p>With respect to final paragraph of this comment, the quoted statement does not appear in cumulative discussion of visual resources, FEIR subchapter 2.1.</p> <p>As specified in FEIR subchapter 2.1.2.2, the analysis of impacts to <i>Scenic Resources</i> is based on both the CEQA Guidelines Appendix G and the County's Guidelines for Determining Significance. Therefore, the scope of the analysis relative to <i>Scenic Resources</i> is limited to <i>designated</i> State Scenic Highways. I-15 is not a designated State Scenic Highway until the segment north of SR-76. SR-76 is located more than two miles north of the northern boundary of the project. Therefore, the entirety of the I-15 corridor need not be analyzed relative to cumulative impacts.</p> <p>The portion of the I-15 corridor adjacent to the project site is discussed in conjunction with the viewshed analysis and is considered in the cumulative analysis based on the parameters described above.</p> <p>O3f-6 Please see response to comment O3f-5 regarding cumulative impact analysis. As stated in FEIR subchapter 2.1.6 and this comment, the changes associated with the cumulative projects within the viewshed would not be compatible with the existing visual character of the area (Impact V-4). Mitigation measure M-V-1 was identified in the FEIR to reduce this cumulative impact, but this mitigation is infeasible due to potential fire hazards due to Fire Code regulations that prevent more effective use of mature foliage to mitigate visual impacts. Mitigation measure M-V-2 would reduce cumulative construction-related visual impacts, but would not reduce construction impacts to below a level of significance and would not reduce post-construction visual impacts. Also, as stated in subchapter 2.1.6, implementation of M-V-2 would delay commencement of subsequent construction phases to allow landscaping in the previous phase to mature. While this measure would serve to reduce the views of raw soil and construction activities during the interim period, it is infeasible because construction and grading of each phase is dependent upon the infrastructure in another phase. M-V-2 would be potentially infeasible due to the interdependency of phases for infrastructure. There is no feasible mitigation measure to reduce cumulative visual Impact V-4 to below a level of significance. Cumulative visual impacts would remain significant and unavoidable. Project alternatives, as discussed in FEIR Chapter 4.0, are included in the FEIR and would reduce visual impacts.</p>
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Comments re: Air Quality Cumulative Impacts Analysis

Although the DEIR concludes that there will be cumulatively significant air quality impacts, the Air Quality Cumulative Impact Analysis at section 2.2.3 contains no discussion, analysis or even identification of any other projects which may cause related air quality impacts in combination with the LHR Project. In fact, other than the bare conclusion that in "combination with the emissions of pollutants from other proposed projects or reasonably foreseeable future projects, impacts would be cumulatively significant", this section contains no information whatsoever about other projects causing related air quality impacts. This section is clearly inadequate under the authority of *Whitman v. Board of Supervisors* (1979) 88 Cal.App.3d 397 and *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4<sup>th</sup> 713.

The DEIR at p.2.2-22 recognizes, "air quality is a regional issue" and "the cumulative study area for air quality impacts cannot be limited to a defined localized area, but rather include the SDAB as a whole." Rather than identifying any projects (local or regional) having related impacts, the DEIR then focuses only on this project's impacts when quantifying trip volumes, CO concentrations, changes to SANDAG growth forecasts or the current RAQS or SIP. These measurements are likely available as part of the environmental review for the projects identified in Table 1-6 or by calculations based on SANDAG growth forecasts for the region and should be made a part of the LHR cumulative impacts analysis.

This omission is particularly troubling since the DEIR does not even mention the following projects likely to have significant cumulative air quality impacts: Singh Power Plant, Palomar Aggregate Quarry, Gregory Canyon landfill, Campus Park, Campus Park West and Palomar College North Education Center. The DEIR does not even make a perfunctory effort to identify other projects or their related impacts. This failure to identify or analyze other projects renders the DEIR's air quality cumulative impacts analysis deficient. This section must be revised and recirculated with the appropriate analysis.

The foundational inadequacies in the air quality cumulative impacts analysis undermine the so called mitigation measures which fail to provide "reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects." If those effects have not been adequately analyzed in the first instance, then proper mitigation or avoidance has not been proposed for these unanalyzed impacts.

In fact, the mitigation proposed at M-AQ-6 and M-AQ-7 reflects the lack of reasonable analysis by proposing such ineffectual mitigation measures as provision of educational materials and promotion of ride sharing and alternate [unidentified] forms of transportation. These "mitigation" measures neither mitigate nor avoid this project's contribution to significant cumulative air quality impacts by placing a dense, urban, automobile dependent community of over 5000 people in the middle of a rural, agricultural area without access to public or mass transit. DEIR p. 2.3-29. Mitigation measures should include provision of bus service and actual creation and implementation of ride share programs.

O3f-7

O3f-8

O3f-7 The cumulative air quality analysis in the FEIR subchapter 2.2.3 includes three separate cumulative issues; (1) CO hotspots, (2) plan compliance, and (3) criteria pollutants emissions (construction and operation). These three issues have their own cumulative study area and cumulative impact analysis methodology, as detailed further below.

As CO hotspots are formed based on traffic congestion issues at intersections, the CO hotspot cumulative study area is the same as the cumulative traffic study area. The project would have a significant contribution to a cumulative CO hotspot impact if the project added over 2,000 ADT to an intersection and the CO emissions exceed the CAAQs and/or NAQQS thresholds. Accordingly, the FEIR cumulative CO hotspot analysis utilized the project traffic generation and distribution data as well as the cumulative traffic analysis, which incorporates the cumulative traffic from projects identified in Table 1-6 and the SANDAG's Series 12 Year 2020 Transportation Model. Thus, this analysis does incorporate the cumulative projects in Table 1-6, but the identification of each cumulative project impact findings is not necessary to determine the project's cumulative impact significance. The FEIR is not required to analyze or disclose each individual cumulative project impact, and is only required to disclose the project's impact. Thus, the FEIR air quality cumulative CO hotspot analysis is adequate.

As explained in the first paragraph in FEIR subchapter 2.2.3, the cumulative study area for criteria pollutant emission impacts is the San Diego Air Basin and the impact is evaluated based on the San Diego Air Basin regional plans and policies. Per the County Air Quality Guidelines and in accordance with regional plans and policies, the San Diego Air Basin is considered significantly impacted by cumulative ozone, PM<sub>10</sub> and PM<sub>2.5</sub> criteria pollutant emissions since the basin is in non-attainment for those pollutants. Project contributions to those significant cumulative impacts are considered significant if the project would emit more than the significance level threshold (SLT; see Table 2.2-6). Considering the defined cumulative study area and cumulative impact analysis methodology, the cumulative projects listed in Table 1-6 do not need to be individually addressed or identified in the cumulative criteria pollutant emissions analysis. Thus, the cumulative analysis in FEIR subchapter 2.2.3 is adequate.

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**Comments re: Transportation/Traffic Cumulative Impacts Analysis**

Although this Subchapter sets forth a brief summary description of the cumulative projects reflected in Table 1-6, it provides no explanation supported by evidence for the 7-mile project radius geographic area used in the traffic cumulative impacts analysis as required by CEQA Guideline 15130(b)(3): "Lead agencies should define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used." The DEIR should be revised to include this explanation. Oblique reference to the County's guidelines for significance without any explanation is not sufficient.

An adequate geographic scope is essential to adequate identification and analysis of cumulative traffic and transportation impacts, particularly to the I-15 corridor due to the large projects in the planning pipeline such as the Campus Park, Campus Park West, New Palomar College Campus, Warner Ranch, and North County Metro-NC 42 (Merriam Mountain) as well as the impact intensive projects identified at p. 1 of this letter which collectively will result in the addition of over 4000 residences and 1,009,000 square feet of commercial, office professional, retail and light industrial uses in the surrounding area, an aggregate quarry, and a 1,770 acre regional landfill.

The traffic cumulative impacts analysis refers the reader to Figure 1-23 as illustrating the cumulative projects within this seven mile radius but Figure 1-23 is a map of surrounding Community Planning Areas, not projects within a 7-mile radius of the project. In fact, it is entirely unclear what projects were actually included in the cumulative traffic impacts analysis as they are not specifically named or identified or analyzed. No effort is made to describe their related traffic impacts, the data supporting the impacts or its location.

Although the DEIR refers to the Meadowood development project as one of the cumulative projects, this project is not listed on either Table 1-5 or Table 1-6. As a result, the public has no information about this project, its location, acreage or description. The DEIR should correct this omission.

Overall, the traffic cumulative impacts analysis suffers from two major infirmities: (1) It provides only conclusions and no actual analysis of cumulative traffic impacts of other projects (which are not clearly identified) when data is reasonably available in traffic studies completed for some of the mentioned projects (such as Meadowood or Campus Park) or can reasonably be produced by further study; and (2) It improperly focuses on the project's significant cumulative impact to the complete exclusion of other past, pending or reasonably foreseeable projects.

With respect to item 1, although the DEIR refers the reader to Figure 2.3-8 as showing roadway segment ADTs in cumulative condition and Table 2.3-15 as illustrating intersections which would operate at substandard LOS E or F under the cumulative plus project conditions, in the absence of any description of the specific projects included in this analysis or the underlying traffic data from these projects used in these projections, the public has no way of knowing if these cumulative impacts have been adequately identified and analyzed. The same problem exists with respect to cumulative impacts to freeway segments because the projects have not

O3f-9

O3f-10

O3f-11

O3f-7 (cont.)

Similar to the cumulative criteria pollutant emission impact analysis, the plan compliance cumulative analysis is completed based on the RAQS and SIP basin-wide plans. The project would be considered to conflict with the regional plans if it included growth not considered during the preparation of these documents and if the project would result in a significant increase in emissions determined through the significance level thresholds. Thus, the identification of individual cumulative projects and their impacts is not required to be disclosed or analyzed to determine the project's cumulative plan consistency impact and the cumulative analysis in FEIR subchapter 2.2.3 is adequate.

O3f-8

As indicated in response to comment O3f-7 above, the FEIR air quality cumulative analysis is adequately analyzed. As inferred on FEIR page 2.2-31, even with the measures suggested by this comment (i.e., ride-share programs and offering bus service), individual commuting and consumer behavior cannot be regulated by the applicant or the County. Thus, such measures would also not guarantee mitigation of cumulative air quality impacts and the impacts would remain significant and unavoidable as identified in the FEIR. Regardless, the project does include a Transportation Demand Management Program (TDM). The TDM program would facilitate increased opportunities for transit, bicycling, and pedestrian travel, as well as providing the resources, means and incentives for ridesharing and carpooling opportunities. As detailed in the Specific Plan and FEIR Table-13, the TDM includes measures that could be incorporated into the project design, one of which may be a ride-share or shuttle system, as well as coordination with MTS and SANDAG to obtain future bus service for the site (FEIR Table 1-3).

O3f-9

The 7-mile radius traffic study area referenced in the comment consists of the area that includes all the County roads and intersections where the project would add 25 peak hour project trips (2-way peak hour total) or more. This is in conformance with the County of San Diego Traffic Impact Study Guidelines, August 2011. In coordination with County staff, 171 cumulative projects were included in the cumulative impact assessment. In addition, potential regional growth was taken into account based upon the SANDAG's Series 12 regional model. For example, cumulative project traffic was added into the year 2020 Series 12 regional model.

<p>August 16, 2013</p> <p>been adequately identified.</p> <p>With respect to item 2, in subsections entitled <u>Existing Plus Cumulative Projects Plus Project</u> in section 2.3.4 Significance of Impacts Prior to Mitigation, the DEIR focuses only on the project's significant cumulative impacts to the exclusion of other projects with related impacts. See pp. 2.3-41, 2.3-44, 2.3-45, 2.3-49, 2.3-50 ("The project would have a significant cumulative impact" to roadway segments and intersections); pp. 2.3-42, 2.3-45, 2.3-52 ("The project would have a significant cumulative impact" to I-15 freeway segments"). There appears to be no reasonable analysis of the cumulative impacts of relevant past, present and reasonably foreseeable projects. These subsections must be revised to include reference to and analysis of other projects.</p> <p><u>Comments re: Agricultural Cumulative Impacts Analysis</u></p> <p>We agree with and incorporate by reference the comments of the Cleveland National Forest Foundation submitted on August 19, 2013 by Shute, Mihaly &amp; Weinberger regarding the inadequacies of the Agricultural Cumulative Impacts analysis.</p> <p><u>Comments re: Biology Cumulative Impacts Analysis</u></p> <p>The DEIR adopts an unreasonably small and local geographic scope to its Biology cumulative impacts analysis. This is a large, regionally significant project impacting 608 acres and adding over 5,000 residents and 90,000 square feet of commercial space with regional impacts. It is not reasonable to limit the cumulative impacts analysis to the eight small, local projects when there are additional local and regional projects with related biological impacts to special status species, riparian habitat, sensitive natural communities, jurisdictional waters or wildlife corridors in the vicinity. The biology cumulative impacts analysis is not adequate given its limited scope.</p> <p>In addition, although the DEIR refers to eight projects identified for evaluation of cumulative impacts, it does not sufficiently identify these projects. The reader is referred to Table 1-5 which contains 13 local projects. Which 8 projects on this list were part of a cumulative impact analysis? Why were only 8 of the 13 chosen for inclusion? On what basis was the decision made to include or not include a project?</p> <p>The reader is also referred to Figure 1-22 as illustrating the location of these 8 projects. However, Figure 1-22 is a topography map. It contains no information concerning these 8 projects or their location relative to the project site. Please correct this omission and precisely identify the projects included in any cumulative impacts analysis by name and location.</p> <p><u>Conclusion</u></p> <p>The Cumulative Impacts discussion in the LHR DEIR fails in fundamental ways to comply with CEQA Guidelines and caselaw. It repeatedly fails to identify which projects are included in its scattered cumulative impacts sections; it fails to provide a summary of the</p>		<p>O3f-9 (cont.) The projects mentioned were included in the cumulative analysis. I-15 operations were analyzed in build-out and horizon year scenarios using Caltrans criteria and SANDAG regional model information.</p> <p>Figure 1-24 has been revised in the FEIR to illustrate the location of all cumulative projects analyzed for traffic and traffic-dependent issues. The TIA, Appendix E of the FEIR, clearly details the cumulative projects analyzed in Table 6-1.</p> <p>O3f-10 The FEIR (Table 1-6) has been revised to include the Meadowood project, which although included in the impact analysis, the project name was inadvertently left off the table.</p> <p>O3f-11 Approved, under construction, and reasonable foreseeable projects list and descriptions were included as part of the TIS in Table 6.1 as well as in Figure 6-1. This information is also included in FEIR Figure 1-24 and Table 1-6, as well as described in FEIR subchapter 2.3.3.1. The TIS includes all traffic data in the SANDAG model trip generation report as Appendix AN. Please also refer to response to comment O3f-9.</p> <p>O3f-12 This section referenced in this comment (subchapter 2.3.4, "Existing Plus Cumulative Project Plus Project") is intended to provide a summary significant project impacts identified through the analysis in FEIR subchapter 2.3.3. The data and supporting analysis utilized to make these impact significance determinations, as the heading title indicates, incorporates both cumulative project traffic and project traffic.</p> <p>Refer to FEIR subchapter 2.3.3 for the analysis. Also, refer to response to comment O3f-9.</p> <p>O3f-13 The comment expresses the opinions of the commentator. 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. Please see responses to letter O9.</p>
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expected environmental effects to be produced by those projects with **specific reference** to additional information stating where that information is available; and, it fails to provide any **reasonable analysis** of the cumulative impacts of the relevant projects. The DEIR is fundamentally flawed and must be revised and recirculated.



O3f-15  
cont.

Very Truly Yours,  
KEVIN K. JOHNSON, APIC

Kevin K. Johnson

cc: Claudia Anzures, Esq. (via email)  
Mark Mead, Esq. (via email)

O3f-14 FEIR subchapter 2.5.3 was revised to clarify the cumulative biological resource impact study area, the cumulative projects within the study area, the cumulative biological impacts, and the cumulative biological resource map reference. Also, over 100 acres of existing natural vegetation on the project site are preserved. The project does not impact 608 acres of biology.

O3f-15 The comment provides concluding comments to the letter. The commenter's opinion and discussion of project concerns is acknowledged and included in the project's FEIR for the decision makers to consider. All comments in this concluding remark are addressed in response to comments O3f-1 to O3f-14.

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