

COMMENTS

RESPONSES

Ehsan, Beth

From: Richard Murphy <rpm10@att.net>
Sent: Monday, May 25, 2015 10:50 PM
To: Ehsan, Beth
Cc: Sibbet, David; Loy, Maggie A
Subject: Re: Valiano D-EIR review

Dear Beth,

BV-1 Thank you for clarifying that the developer is seeking to have the County waive its requirement to comply with the state emissions regulations and is asking the county taxpayers assume the responsibility and cost of doing so. The statement "...there are no feasible mitigation measures to reduce the Project's contribution to a less than considerable level" is clearly incorrect. California has led the world in reducing emissions since at least the 1970s. There are decades of proven strategies to reduce emissions and the developer could implement a project that would reduce emissions in an equal amount to that which the project exceeds the regulated maximum. The example I mentioned previously would be relatively simple to implement but there are other ways to achieve the same goal. Given that their proposed solution is inadequate, by their own admission, suggest maximizing profits by shifting, as much of the true cost of the proposed development to the taxpayers is the real aim.

BV-2 I think the your analysis of the causes of sprawl misses 2 important facts. The distorting impacts the subsidies that developers have been able to obtain from the County, such as the one being sought above, have had on the nature and locations of development. Clearly the Valiano proposal would look very different if the developer did not expect the County to subsidize their project. Another very good example of this type of subsidy is the fire station in Harmony Grove Village. The County taxpayers will be paying well over a million dollars a year, as the developer for that project was able to negotiate lower fire fees than is needed to fund the station. Second, the just completed General Plan if followed would prevent the very type of urban sprawl you refer. One of the major goals of the 2020 planning process, as I understood it, was to reduce urban sprawl and the undue burden on taxpayers it causes.

BV-3

BV-4 The one question you did not address from my previous email was explaining the process by which the county ensures compliance to the state air quality regulation(s) addressed in the D-EIR. I would still like to better understand it as it may alleviate some of my concerns.

Thank you again,

Richard Murphy

On May 20, 2015, at 3:40 PM, Ehsan, Beth <Beth.Ehsan@sdcounty.ca.gov> wrote:

Hello Mr. Murphy,
Here is some detailed information regarding the criteria pollutant impact:

The Proposed Project would not result in direct exceedances of any criteria pollutant during construction or operation (see Tables 2.2-6 through 2.2-14). As discussed in Section 2.2.2.3 of the Draft EIR, the San Diego

BV-1 The County respectfully disagrees that the developer is seeking to have the County waive its requirements to comply with state emission regulations. In fact, as described in the Air Quality Analysis Report (Appendix C) and in the EIR (Subchapter 2.2) design measures have been incorporated into the Proposed Project to reduce air quality emissions during construction and operational phases. Design features are listed in the EIR, Table 1-4. Construction design features reduce dust and exhaust emissions. The construction-related emissions of criteria air pollutants would be reduced to a less than significant level. With incorporation of operational-related design features, "emissions of criteria pollutants during operation for the Project at buildout would not exceed the daily significance thresholds, and no CO hot spots would occur." The comment that additional mitigation should be included to achieve a project with a no net increase in emissions to reduce its contribution to a cumulative impact with regards to criteria air pollutants is not applicable.

As described above, both construction and operational air quality emissions would be below adopted San Diego County significance guidelines. The significance guidelines are developed for the purpose of complying with California Ambient Air Quality Standards and National Ambient Air Quality Standards. However, compliance with Regional Standards would require the Board of Supervisors to adopt the Project's General Plan Amendment and include the Project in the regional planning forecasts.

BV-2 This comment is not under the breadth of CEQA. In addition, this comment lacks factual basis. These statements are unsubstantiated and are not addressed further because they do not raise an environmental issue with respect to the EIR analysis. With regards to air quality emission, all applicable emissions reduction measures have been incorporated into conditions placed on the Project. The Project would be required to implement mitigation measures based on applicable standards of significance. Also see the Response BW-1 below with regards to additional mitigation programs.

BV-3 Comment noted. The principles and policies of the General Plan are intended to reduce urban sprawl. The EIR (various sections) analyzed the applicable principles and policies related to the Project's impact on the physical environment, including impacts associated with vehicle travel

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cont. and land use development at the Proposed Project site. The location of the Project adjacent and within other developed areas is a good example of reduction of urban sprawl. Although financial considerations are not strictly a CEQA concern, it can be said that locating the Project within an area already developed would eliminate costs associated with construction of new utilities and services in an area that is currently pristine in nature.

BV-4 The comment requests explanation of the County process for ensuring compliance with the State's statewide regulations. The SDAPCD and SANDAG are responsible for developing and implementing the clean air plan in the SDAB for attainment and maintenance of the state and federal ambient air quality standards. The San Diego County Regional Air Quality Strategy (RAQS), developed by the SDAPCD, is submitted to the California Air Resources Board (CARB), for input into the statewide implementation plan (SIP) for attainment of air quality standards.

The RAQS includes control measures to reduce regional emissions of ozone precursor pollutants, including volatile organic compounds and nitrogen oxides. The RAQS relies on information from CARB and SANDAG, including information regarding projected growth in the County to predict future emissions and determine the appropriate strategies necessary for the reduction of air pollutant emissions through regulatory controls. SANDAG growth projections are based in part on land use plans developed by local cities as well as the County's General Plan. For that reason, it is important for SANDAG to include accurate projections of proposed growth in the County, particularly for projects that exceed the growth projected in the County's General Plan, so that the SDAPCD can effectively regulate air quality on a regional level. For discretionary projects, the County enforces any mitigation measures and project design features that a project must implement to mitigate air quality impacts (see also Response K-15). Thus, the inclusion of Mitigation Measure M-AQ-1 ensures that any revisions to the population and employment projections used in updating the RAQS and SIP would accurately reflect anticipated growth due to the Project.

Air Basin has been designated as a federal nonattainment area for ozone, and a state nonattainment area for ozone, PM10 and PM2.5; therefore, a regional cumulative impact currently exists for ozone precursors and PM10 and PM2.5. Although Proposed Project emissions for all criteria pollutants would be below the significance threshold, it is possible that construction associated with several other projects in the general vicinity of the Proposed Project would occur at the same time, and cumulative construction projects would result in a significant cumulative impact for VOC, NOX, PM10 and PM2.5. The Proposed Project would result in a cumulatively considerable net increase in criteria pollutants during construction and impacts would be significant.

In addition to the Proposed Project, there are 41 cumulative projects expected to contribute to the overall growth within the five mile buffer area (LLG 2015). The current General Plan designations on the Project site are SR-1 and SR-2, and the Regional Category is Semi Rural. Under the current General Plan, a maximum of 118 residences are permitted (at a minimum of one acre lot sizes). Applying the average trip rate from the Traffic Impact Analysis, (11.3 trips per du), approximately 1,334 ADT would be generated by the existing zoning. The proposed 334 residences associated with the Project would generate approximately 3,786 ADT, for a net increase from the current zoning of 2,452 ADT. To estimate emissions associated with Project generated traffic, the CalEEMod model was used to determine the net increase in criteria pollutants. Table 2.2-15 in the Draft EIR presents a summary of the net increases in criteria pollutants, which shows that the Proposed Project would cumulatively contribute to the regional air quality. Based on the analysis presented in Section 2.2.2.1, the Proposed Project would be inconsistent with the RAQS and SIP. As a result, there is a significant cumulative operational criteria air quality impact and the Project's contribution to the significant cumulative air quality impact would be considerable.

The Proposed Project has been designed to include electric vehicle charging stations, efficiency measures to reduce energy and water consumption, and exceed the 2008 Title 24 standards by 15 percent. These Project Design Features have reduced the Proposed Project's daily emissions; however, because the Proposed Project would be inconsistent with the RAQS and SIP, short of reducing the Project size, there are no feasible mitigation measures to reduce the Project's contribution to a less than considerable level. Accordingly, these impacts would remain significant and unmitigated.

Your suggestions for off-site mitigation were interesting. That is not currently an approach that we use for air quality impacts. There's such a thing as carbon credits / carbon trading, but I'm not aware of such a system for criteria pollutants. The project does have to purchase biological mitigation off-site, so you could consider the biological mitigation area as fitting your suggestion to buy land that would otherwise be developed to prevent ozone from being introduced to the County. But the catch is that the displaced homes would likely end up getting built somewhere else and if they were farther out, that would increase vehicle miles travelled, thus increasing pollution. And keep in mind that no matter what this project does for mitigation there would still be a cumulative impact because they can't mitigate for the other 41 projects that contribute to the impact.

Let me know if you have further questions.

Thanks,
Beth

Beth Ehsan
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-----Original Message-----

From: Sibbet, David
Sent: Tuesday, May 19, 2015 3:04 PM
To: Richard Murphy