

COMMENTS

RESPONSES

Cc: Ehsan, Beth
Subject: RE: Valiano D-EIR review

Richard;
Your welcome and thanks for understanding. We are working on a response, but even a quick response is complicated. We should be able to get back to you by the end of the week.
Thanks

David Sibbet, Planning Manager
COUNTY OF SAN DIEGO, Planning and Development Services Office (858) 694-3091

-----Original Message-----
From: Richard Murphy [mailto:rpm10@att.net]
Sent: Monday, May 18, 2015 11:13 PM
To: Sibbet, David
Subject: Valiano D-EIR review

Dear Mr. Sibbet,

Thank you to you and your colleagues for meeting with the Elfin Forest / Harmony Grove community this evening to discuss the D-EIR for the proposed Valiano development. It was very helpful to me in understand both the process and some of the issues addressed in the D-EIR.

During the question and answer portion of the presentation I asked a question of clarification with regards to the ozone exceeding state regulations. As I understood the presentation there were 2 things being done to mitigate the excessive ozone caused by the proposed project. First the developer is saying they will take steps to reduce the overall ozone of the development. This seems like a perfectly reasonable thing to do but does not meet the definition of mitigation. To me mitigation would be counter acting the excessive ozone caused by this development by reducing ozone in another area such that the total ozone for the county stays within the required limit. For example buying land that would otherwise be developed to prevent ozone from being introduced to the county. The second activity was to notify the county they will exceed the limit. How does notify the governing body that you won't meet a regulation count as mitigation? That sounds like a request to ignore the regulation or to weaken it or its implementation. What is the process to ensure the county is compliant with the state ozone regulation(s) in the face of developments that do not meet the requirements? There are cost associated with pollution on health and lost productivity that if not addressed is being passed on to the tax payers of the county.

Again thank you for help in ensuring the communities input is heard. I know this is a complex issue and time did not permit a full explanation during the meeting.

Best regards,
Richard Murphy

BW-1 Comment noted. Off-sets are not something that have been established as mitigation for criteria air pollutants. These types of programs do exist in California and typically involve a fee for mitigation of each pound or ton of a pollutant that exceeds a threshold. Offset programs are based on agreements that are made between a project applicant and the regulatory agency in charge of managing the program. These agencies are typically air districts. A monetary value is determined on a per pound or ton basis of the agency's cost to reduce the emissions of the existing equipment within their jurisdiction (controls or upgrades). An applicant would pay a fee equal to the emissions that exceed the threshold to offset the reductions elsewhere, as developed in the program. However, these programs are designed to mitigate construction-related emissions because construction emissions are typically short-term in duration and can be mitigated in a finite manner for every year of construction. For a program like this to work and be considered feasible mitigation, it must be a well-established program with sufficient "mitigation (or offset) credits" available for it to achieve the necessary reductions. There is no established program like this in San Diego County and therefore this is not an option.

In addition, the commenter requests mitigation to counteract the excessive ozone caused by the Proposed Project. The Project has incorporated design measures that would reduce its overall emissions during construction and operational phases to a less than significant level. Cumulative impacts were determined to be significant and unavoidable because of inconsistencies with the RAQS and SIP, not because of the level of Project-generated emissions. The comment related to counter acting excessive ozone from the Project does not apply to this situation.

As noted, the Project would be required to purchase biological mitigation off-site, which effectively serves the same purpose as the intent of the comment, as it would prevent further development that would emit additional criteria pollutants into the County. However, this is not included as mitigation for air quality impacts. Design features were incorporated into the Proposed Project based on commonly used and widely accepted emission reduction measures.

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BW-2 The commenter suggests that buying land somewhere else in the County to offset future generation of ozone precursors should be considered as mitigation for the Proposed Project. A project that would emit ozone precursors during construction and operation within San Diego County is evaluated against the established County guidelines of significance. For a description of this process see Response BV-1. Projects that result in emissions below the established thresholds are considered to have a less than significant impact to air quality. This is because the emissions established by the thresholds of significance are based on levels necessary for achieving Countywide goals. A project, under CEQA, would be required to mitigate all project-related impacts to the extent feasible for which impacts exceed an established level of significance. The Proposed Project includes a number of standard measures in the condition of approval that maintain construction and operational emissions of ozone precursors below applicable thresholds of significance. No further mitigation is necessary. See Response BV-4 regarding the importance of the County providing a revised housing forecast to SANDAG.