

Ehsan, Beth

From: Richard Murphy <rpm10@att.net>
Sent: Sunday, June 14, 2015 9:53 PM
To: Sibbet, David; Ehsan, Beth
Cc: Loy, Maggie A; Blackson, Kristin; Wardlaw, Mark; Fitzpatrick, Lisa; Cox, Greg; Jacob, Dianne; Roberts, Dave; Ron-Roberts; Horn, Bill; bruce.bettyliska@gmail.com; douglas.dill@att.net; JP Theberge
Subject: Public comment on Valiano Draft EIR

Dear Mr. Sibbets and Ms. Ehsan,

BX-1

Again I would like to express my thanks for your efforts to make sure community input on Valiano the D-EIR is heard. This is an extremely important issue to our Elfin Forest / Harmony Grove / Eden Valley communities. I have lived on Fortuna Del Este in Elfin Forest for over 20 years.

I have reviewed the EIR for the VALIANO SPECIFIC PLAN PDS2013-SP-13-001, PDS2013-GPA-13-001, PDS2013-REZ-13-001, PDS2013-TM-5575, PDS2014-MUP-14-019, PDS2013-STP-13-003, PDS2013-ER-13-08-002 and have the following additional comments on the Air Quality Report IPQ-11.

BX-2

On page 6 of the report it states the annual average temperature in the project area is approximately 55 degrees F during the winter and approximately 74 degrees F during the summer. Given that the source of the pollution is predominately from vehicle sources per the EIR and the fact that the majority of the vehicle traffic both during construction and operationally will be during daylight hours, daytime temperatures, not the average daily temperature, should be used in any calculations to determine the impacts of pollution from the proposed project. Construction is typically limited to daylight hours and most residential traffic; parcel delivery, service calls, school traffic and the majority of commutes will be during daytime hours. The average daily temperatures for Escondido are shown below. Summer daytime temperatures in Escondido typically are in the 80's and low 90's with days of 100 degrees F or more not uncommon. And meteorologists expect average daily temperatures to rise, making matters worse over time. As an example, San Diego experienced its warmest year in 2014 since record keeping began in 1872, nearly 4 degrees above normal.

Climate Escondido - California

°C | °F

Climate table

	Jan	Feb	Mar	Apr	May	Jun
Average high in °F:	69	69	71	75	78	82
Average low in °F:	43	45	47	51	55	58
Av. precipitation in inch:	3.03	3.43	2.64	1.14	0.24	0.12
	Jul	Aug	Sep	Oct	Nov	Dec
Average high in °F:	87	89	87	81	74	68
Average low in °F:	62	63	62	55	48	42
Av. precipitation in inch:	0.08	0.08	0.2	0.71	1.18	2.13

BX-1 The comment is an introduction to the letter; no response is necessary.

BX-2 The meteorological information provided on page 6 of the Air Quality Analysis Report is for informational purposes to provide the reader with a background on the setting of the Project area; temperature is not a variable used in the modeling of daily emissions of criteria pollutants. The analysis does include seasonal changes, such as the emission variables between summer-blend and winter-blend gasolines. However, the quantity of emissions generated for pollutants analyzed by CalEEMod remain unaffected by the ambient air temperature. As the comment states, "The chemical reaction of pollutants released in the air is in part determined by ambient air temperature." One example of this type of chemical reaction is described in Section 2.2.1 of the air quality technical report: "Ozone is considered a photochemical oxidant, which is a chemical that is formed when volatile organic compounds (VOC) and oxides of nitrogen (NOX), both by-products of fuel combustion, react in the presence of ultraviolet light." In addition to ultraviolet light received from the Sun, increased temperatures can act as a catalyst. It is because of these variabilities that ozone is not directly analyzed, but rather the ozone precursors, VOCs and NOX, are.

COMMENTS

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BX-2 cont. Using an average daily temperature to calculate the impacts of pollution from this project understates those impacts. The chemical reaction of pollutants released in the air is in part determined by ambient air temperature. That is why one of the expected impacts of global warming in California is worsening air quality.

BX-3 On page 17, table 3 shows ambient background concentrations of air pollutants between the years 2007 and 2011. This ignores the warmer dryer years that we have been experiencing and are predicted to be more the norm in the future than the exception. This again understates the impacts of the excessive pollutants the proposed development will release in to the community. SDAPCD had data published on their website through 2013. In addition there is a monitoring station located on 2874 Progress Pl. which adjacent to the proposed development with 3 others located on the west end of Escondido. Three of the 4 are located west of Interstate 15. The statement on page 16 “there is no ambient monitoring station in the nearby areas of the Project site” is incorrect. This analysis needs to be corrected to reflect current data from the nearby monitoring stations. As it stand currently the analysis in the EIR says very little about the actual proposed project.

BX-4 The developer on page 25 makes its case for offsite mitigation for the pollution in excess of that allotted for the site by arguing that the General Plan overstates the housing needs in the county. It summarizes the argument this way “The current population and housing in San Diego County are lower than what was projected for the region, and therefore it is unlikely that the additional units from the Project would interfere with the SDAPCD’s goal for improving air Quality in the SDAB.” While this statement “unlikely” lacks sufficient guaranties to be meaningful it does at least point to a real mitigation plan. From a policy standpoint, why it would make sense to up zone a property in an area with elevated fire dangers and with roads the developers states in the EIR has serious and inmitigable conditions makes any sense is not clear. Especially, if as they claim the General Plan overstates the housing needs of the County. Setting that aside, if the developer were required as a condition of the proposed project to purchase a property that would otherwise be developed and then preserve it in perpetuity such that an equal or greater amount of pollution the proposed project exceeds its legal allotment then it would be a serious and welcome mitigation plan. Otherwise, if the lower build out were a result of the Great Recession and not due to lower demand, any mitigation would prove to be illusionary.

BX-5 The EIR makes it clear the air pollution associated with the project will not be static over the proposed development but will be spread by prevailing winds and largely determined by the traffic patterns of the residence. However on page 26 it states when describing mitigation measures “Because the Project addresses several RAQS control measures and the General Plan Goals that are relevant to the Project site, there are not additional measures available.” It then concludes “The Proposed Project would not conform with the RAQS and SIP and would result in a significant and unavoidable impact.” There is no explanation or justification as to why the mitigation must be limited to the development site. Given that the air pollution caused by the development will not remain within the boundaries this seems arbitrary. It is also perplexing since the developer uses off site mitigation to asks for what I’ll call pollution credits for other developers un-built projects as justification to be able to exceed the pollution allotment of their property. It’s hard not to conclude the real goal here is to shift as much of the true cost of the development to the taxpayers and very little with developing a real mitigation plan. The developer as a condition of approval for the proposed project needs to be responsible for implementing a real mitigation strategy that reduces an equal or greater amount of pollution than it exceeds the allotment for the site. It could be setting aside land that would be otherwise developed as they alluded to in the EIR or other projects in the surrounding communities that achieves the same goal. There are literally decades of proven strategies to reduce emissions that Californians have applied successfully.

BX-3 The monitoring stations suggested for use by the commenter are not included in SDAPCD’s network of monitoring stations. The Escondido – East Valley Parkway Station is the closest SDAPCD-verified source of ambient monitoring data for the criteria pollutants of concern for the Project. Table 2.2-3 of the EIR includes updated data through 2013. The ambient levels reported in the EIR represent data collected at air monitoring stations for past years. These data are not used when estimating Project-generated emissions. Estimates are based on San Diego County-approved methods and modeling techniques that account for local conditions as found in the County of San Diego Report Format and Content Requirements for Air Quality.

BX-4 To clarify, the page referenced in the comment was found on page 25 in the Air Quality Analysis Report (Appendix C of the Final EIR), describing the population increase of the Proposed Project relative to the population projections of San Diego County, and it was prepared by specialists approved by the County to analyze air quality impacts. The comment refers to a summary in the technical report regarding the relative capacity of the County to absorb the projected growth from the additional housing units because the extra growth could be accommodated within the 114,025-person surplus in the projected population growth. The comment indicates that the summary is linked to an argument by the developer for off-site mitigation, but this statement is not supported. Nowhere in the air quality analysis conducted for the Project does it state that an apparent surplus in population would be a reason for not including off-site mitigation. See Responses I-47 and I-53 regarding elevated fire risk. See Response BW-1 regarding preservation of off-site property as mitigation for air quality impacts.

BX-5 Although unclear, the comment seems to address air pollution reduction measures available for effective results. The specified air quality design measures for construction and operation that have been incorporated into the Project have the most effective results and can be implemented through Project conditions. See Response BW-1 regarding preservation of off-site property as mitigation for air quality impacts.

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BX-6

In summary, this EIR understates the negative impacts of the excess air pollution the proposed project would cause and lacks any real mitigation plans for this pollution. Governor Brown has stated emphatically that California's drought is largely a result of manmade global warming. Air pollution is the mechanism that man is causing the planet to warm. This is the most critical public policy issue facing the state today and the lack of seriousness with which the EIR treats the issue is egregious and unacceptable. The EIR as written does not comply with Executive Orders B-30-15 and S-3-05 and Assembly Bill AB32. The EIR should be sent back to the developer for major modification or the project should be rejected out right. Further emphasizing this point is the fact that the courts have found San Diego's Climate Acton Plan inadequate. The courts found the County's CAP did not include comprehensive and enforceable GHC emissions reduction measures that would actually be implemented.

BX-7

Thank you again for the opportunity to comment on the D-EIR.

Sincerely,

Richard Murphy

BX-6

The Project's impacts associated the GHG emissions were seriously analyzed in the EIR (Section 3.1.1). Please refer to Topical Response: Greenhouse Gases Analysis with respect to Project Design Features and emission minimizing features included. See Response K-51 with respect to Governor Brown's issued Executive Order B-30-15 and S-3-05.

BX-7

Please refer to Topical Response: Greenhouse Gases Analysis for information regarding the County's CAP.