

COMMENTS

RESPONSES

**From:** Richard Murphy <rpm10@att.net>  
**Sent:** Thursday, January 26, 2017 10:28 PM  
**To:** Sibbet, David; Chan, Michelle; Wardlaw, Mark  
**Cc:** Fitzpatrick, Lisa; Cox, Greg; Jacob, Dianne; Gaspar, Kristin; Ron-Roberts; Horn, Bill; douglas.dill@att.net; JP Theberge  
**Subject:** Valiano Specific Plan amended DEIR public comment

Dear Mr. Sibbet and the Planning and Development Services Staff,

R-AP-1 I am a long time resident of Elfin Forest and have reviewed the section of the amended DEIR for the Valiano project dealing with Green House Gases (GHGs). While the analysis methodology is completely different than the original report it still does not adequately address the increased GHGs the proposed project would generate and thus does not comply with California’s GHG laws.

R-AP-2 First, the methodology has not been subjected to review and public comment. Nor have the County Supervisors voted to approve it as required by the County’s 2011 General Plan update.

R-AP-3 Secondly, the analysis, as it is, completely ignores the increased GHGs the requested up-zone of 270 dwelling units over the 118 the property is currently zoned for would generate. It does not account for the increased in GHGs due to the additional grading needed to accommodate a 329% increase in units. It does not address the GHGs for the additional vehicles traffic each additional home would create. Nor does it address any other increased GHGs that would be generated by the proposed up-zone.

R-AP-4 The analysis as presented compares the developer’s proposed number of homes in an “unmitigated” state with the same number of homes in a “mitigated” state and concludes the “mitigated” homes would produce 17% less GHGs with the use of high energy heaters and the like and thus concludes the development is “less than significant”. This is obviously a false comparison, as stated above it does not address any of the additional GHGs the up-zone creates. For this methodology to have any validity, the base line would need to be the 118 homes the property is currently zoned for. The units of the proposed up-zoned development would need to produce 16% less than the base line of 118 homes to be considered “less than significant”.

R-AP-5 Simply ignoring the increased GHGs the proposed up-zone would generate is not a valid way to conclude the project is “less than significant”. It is clear that the Valiano project, as proposed, does not meet California’s GHG laws and must be rejected. As the courts have made clear in the Newhall case, magical thinking is not sufficient in dealing with GHG mitigation.

R-AP-6 Additionally, a 329% up-zoning in a fire prone area with roads inadequate to safely evacuate the proposed number of residence (existing and new) as acknowledged by the developers own DEIR would be extremely troubling in its own right. And as the dismal sales of the Harmony Grove Village development show, there is not a market in Harmony Grove/Eden Valley for this type of project anyway.

R-AP-7 If this project were to be approved it would create a public safety hazard, and would not survive a challenge in court due to lack of compliance to the GHG laws and thus should and must be rejected.

Thank you for your time and consideration.

Sincerely,

Richard Murphy

R-AP-1 Introductory comment noted. Please see responses to specific comments, below.

R-AP-2 The comment claims the GHG methodology was not subjected to review and public comment or properly approved. The GHG methodology was subjected to review and public comment as part of the Recirculated Draft EIR, which included the revised GHG technical study explaining the methodology. There is no requirement in the County’s 2011 General Plan update that the County Supervisors vote to approve a project-specific GHG threshold prior to its use in a Draft EIR or Final EIR. This comment will be provided to the decision-makers prior to a final decision on the project.

Please see Topical Response: Greenhouse Gases Analysis for more information regarding the appropriateness of the GHG analysis methodology.

R-AP-3 The comment claims the GHG analysis did not properly account for emissions associated with the number of proposed dwelling units. With regard to the number of dwelling units analyzed, Appendix J to the Recirculated Draft EIR states:

Emissions calculations started with the following conservative land use assumption: The 239 acre Proposed Project would include the construction of 334 single-family residential units; 54 multi-family units; park and recreational uses; biological and agricultural open space; and an on-site WTWRF.

Also, as detailed in Appendix J:

The Project would generate 3,786 average daily trips (ADT) (Linscott, Law & Greenspan Engineers [LLG] 2015). CalEEMod assumed an annual total of 9,744,642 miles would be traveled each year by Project residents, visitors to the public neighborhood park, and WTWRF workers. This total annual VMT was based on the average trip length calculated for this Project which was 7.05 miles per trip (LLG 2016; see Appendix H)

As such, operational emissions from every dwelling unit including mobile source emission from the increase in vehicles were fully accounted for. See also Supplemental Memo for the Valiano Project Environmental Impact Report Appendix J Greenhouse Gasses Analyses Report.

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- R-AP-4 The comment states inaccurate information. The RDEIR analysis does not conduct a comparison of the mitigated to the unmitigated emissions. The analysis quantified project generated emissions with the inclusion of project design features and regulatory requirements and compared the result to a carefully chosen efficiency metric significance threshold based on emissions per service population.
- The Project's GHG analysis is no longer using the service population efficiency metric. For a discussion of the new project-specific, net zero GHG threshold that is being used instead, please see Topical Response: Greenhouse Gases Analysis for more information regarding the appropriateness of the GHG analysis methodology.
- R-AP-5 The comment claims that the Proposed Project does not meet California's GHG laws. Please refer to response to comment R-AP-3 regarding land uses analyzed.
- R-AP-6 The comment is not related to the topics that were the subject of the recirculation and Revised Draft EIR. Please refer to response to comment R-A-1 regarding relevance to the changes in the Recirculated Draft EIR.
- R-AP-7 Your opposition to the Project is noted.