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SENT VIA EMAIL AND U.S. MAIL

Bonsall Unified School District
Facilities, Maintenance and Transportation
31505 Old River Road
Bonsall, CA 92003
Attn: David Medcalf
david.medcalf@bonsallusd.com

Re: Draft Environmental Impact Report Bonsall High School

Dear Mr. Medcalf and Members of the Board of Trustees:

This firm represents SaveGirdValley.com, an unincorporated public interest group working to protect and preserve historic Gird Valley. Please find below our comments submitted on behalf of SaveGirdValley.com on the Draft Environmental Impact Report (“DEIR”) for Bonsall High School (“BHS” or “the project”).

Introduction

Overall, the DEIR fails to serve its fundamental purpose as an informational document. As outlined in detail below, it omits critical information and analysis and contains foundational errors which undermine its significance conclusions. As such, its conclusions are unsupported by substantial evidence and the document fails to inform the public and decision-makers of the true environmental consequences of the project. The DEIR’s errors and omissions should be corrected and revised and the document recirculated for public review and comment.

The DEIR is also filled with typographical and grammatical errors which also impact its informational content and value. A partial list of these errors is attached as Exhibit A. The document should be revised and recirculated.

Informational Omissions Render the DEIR Legally Inadequate

The California Supreme Court recently addressed when an informational omission will render a DEIR legally inadequate. *See Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918. If an informational omission “substantially impair[s] an EIR’s informational function”, results “in inadequate evaluation of project alternatives and mitigation measures” or is “neither insubstantial nor merely technical”, the

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DEIR will be found legally inadequate. *Id.* at 942. Critically, as stated by the court, if the public, not simply the decision maker, is “deprived of a full understanding of the environmental issues raised by the ...project proposal”, a prejudicial abuse of discretion has occurred. *Id.* As presently drafted, the project DEIR deprives both the public and the BUSD Board of Trustees of a full understanding of the environmental issues raised by the project.

“The EIR is the primary means of achieving the Legislature’s considered declaration that it is the policy of the state to ‘take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.’” (*Laurel Heights Improvement Ass’n v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 392 [citation omitted].) “The EIR is also intended to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.” (*Id.*) Thus, the EIR is an accountability document and the EIR process protects not only the environment but also informed self-government. (*Id.*)

"If a final environmental impact report (EIR) does not 'adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project,' informed decision-making cannot occur under CEQA and the final EIR is inadequate as a matter of law. [Citation.]" *RiverWatch v. Olivenhain Municipal Water Dist.* (2009) 170 Cal.App.4th 1186, 1201.

As presently drafted, the DEIR does not adequately apprise the public or the Board of Trustees of the true scope of the project. It should be revised and recirculated.

Informational Infirmities in Executive Summary, Chapter 1 Introduction and Chapter 2 Project Description

P. ES-1 – The project is justified as needed to accommodate anticipated growth in the high school population but the DEIR never sets forth any specific growth projections for the area to support this foundational premise. Other districts in the area are experiencing declining enrollment (Fallbrook Union High School District enrollments are declining). Valley Center-Pauma Unified School District recently announced teacher layoffs (<https://www.valleycenter.com/articles/school-board-lays-off-thirty-teachers-financial-crisis/>).

The DEIR should provide specific information based on credible evidence regarding levels of population growth anticipated over the next 10-20 years and in particular, levels of population growth of high school age children within the BUSD boundaries. At present, the DEIR fails to establish any documented need for the project.

P. ES-16 – The statement that the project would not generate Greenhouse Gas (“GHG”) emissions is false. Please revise to correctly identify the 1,932 MTCO₂e of GHG emissions produced by construction and implementation of the project (p. 3.8-16).

P. 2-1 – Infeasibility conclusions concerning expansion of Sullivan Middle School are unsupported (see discussion re: Alternatives below).

P. 2-1 – Parking spaces are inadequate for a 1,500 student high school and not in compliance with County standards (see discussion re: Transportation and Traffic impacts below).

P. 2-12 – The project fails to provide foundational safety features necessary for safe pedestrian access including sidewalks or safe evacuation by provision of secondary access (single driveway in Very High Fire Hazard Severity Zone (“VHFHSZ”)) (see discussion re: Transportation and Traffic below).

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P. 2-12 – 2-13 – The DEIR fails to provide critical information regarding Fire Management Zones (“FMZ”) including plant content, irrigation and maintenance necessary for fire safety in this VHFHSZ as well as potential impacts to natural habitat from fuel modification. Please clarify, consistent with USFWS/CDFW requests, whether fuel modification impacts have been incorporated into the development footprint, considered as project impacts and appropriate biological mitigation proposed. No fuel management zones should be incorporated into designated open space.

P. 3-5 – The Cumulative Projects (Figure 3-1) list is woefully incomplete and inadequate. It includes many small projects (e.g., agricultural/accessory buildings) but fails to include any description of potentially larger projects (e.g. item 15. Housing Tract). Most seriously, the DEIR completely omits other large and commonly known pending County projects in the immediate vicinity including Lilac Hills, North County Environmental Resources Recycling Facility, Newland Sierra and Warner Ranch (see County list of current projects attached as Exhibit B and Warner Ranch Cumulative projects map). The DEIR also omits the Rancho Lomas Verdes project located in the Bonsall Community Planning Area and processed in the City of Vista (see Exhibit C). The failure to include these large projects with significant impacts, renders cumulative impacts discussions in specific impact sections 3.1 through 3.15 incomplete, inadequate and in need of revision.

CEQA Guidelines section 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 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 omission of large projects in the vicinity such as the Palomar College Campus, Warner Ranch, and Newland Sierra.

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 presents a generalized, incomplete and conclusory cumulative impacts discussion. 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.” *Whitman v. Board of Supervisors* (1979) 88 Cal.App.3d 397, 411.

Informational Infirmities in Chapter 3 Environmental Analysis

3.1 Aesthetics

The Aesthetic Impacts discussion fails to include visual view simulations or any architectural renderings of the project buildings. This information is foundational to any aesthetic impact analysis or significance conclusions. Visual simulations are a common feature of EIRs and demonstrate what a project may look like from various impacted public viewpoints. The project site is located off a County scenic highway, adjacent to other MSCP lands and the DEIR identifies the project will be seen from at least four public viewpoints. Visual simulations from these viewpoints should be prepared and provided in the DEIR, not mere conclusory descriptions.

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Simulations from other public viewpoints in the immediate area are also appropriate, particularly from Monserate Hills to the east of the project site.

Public trails and pathways are planned in Gird Valley from the south to Live Oak Park to the north. See <https://www.sandiegocounty.gov/content/dam/sdc/pds/CTMP/trails-and-pathways-plan/FallbrookCommunityTrailsandPathwaysPlan.pdf>. The DEIR does not appear to identify these or the project's potential impact on them, particularly the massive building presence seen from pathways which are intended to provide a rural, nature experience.

Likewise, detailed architectural renderings of a proposed project with descriptions of construction materials and architectural style are customary in a DEIR and necessary for an informed aesthetic impacts analysis and conclusion. At present, Figure 2-4 entitled Building Elevations located in the separate Chapter 2 of the DEIR is insufficient to allow informed decision-making concerning aesthetic impacts. Aesthetic impacts conclusions are unsupported.

It should also be noted that these elevations are not final ("final building elevations would be subject to approval of BUSD Board of Trustees as part of the entitlement process." (p. 2-3)). Changes to the plans may result in unanalyzed and unmitigated aesthetic impacts.

3.3 Air Quality

Project Average Daily Trips ("ADTs") are lower than and inconsistent with other agency trip generation calculations for high schools. For example, the City of San Diego trip generation rates (Exhibit D) for a high school indicate that a high school of this size (1,500 students) generates 2,700 average daily trips, not 1,950 as indicated by the DEIR (p. 3.3-23). Accurate ADTs are critical for accurate analysis of Air Quality, GHG and Traffic impacts. Underestimating project ADTs renders Air Quality, GHG and Transportation and Traffic impact analysis infirm and in need of revision.

3.4 Biological Resources

Preliminarily, the DEIR may have used an improper baseline in connection with biological impacts. It is our understanding that before biological surveys were conducted, the district cleared the property by using goats which likely removed sensitive plant species and impacted sensitive animal habitat. This issue should be candidly addressed in the DEIR and biological reports and the appropriate baseline should be employed. The project site's pre-clearing status should have been used to assess biological impacts and mitigation and avoidance strategies. An applicant cannot avoid the environmental review process by preemptively clearing the property of all environmental sensitivity.

The project site is designated critical habitat for the southwestern arroyo toad. Designated critical habitat for the coastal California gnatcatcher occurs a mere 500 feet east of the project site. Although focused/protocol level surveys were conducted for other species with nearby designated critical habitat (least Bell's vireo and southwestern willow flycatcher), the consulting biologist did not conduct protocol level surveys as requested by USFWS/CDFW for the arroyo toad or focused/protocol level surveys for gnatcatchers. As such, any conclusions concerning impacts to these species or their critical habitat are unsupported in the absence of protocol level surveys which should be conducted at the appropriate time of year and under appropriate wildlife agency protocols (See Exhibit E).

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Although USFWS has designated portions of the project site (16 plus acres) as critical habitat for the arroyo toad, the DEIR indicates the “primary constituent elements necessary for arroyo toad do not occur on the project site.” This conclusion cannot be reconciled with USFWS’s critical habitat designation and is unsupported in the absence of protocol level surveys.

Arroyo toads have been found in the area. See <http://www.sandiegouniontribune.com/sdut-county-supervisors-set-deadline-for-sycamore-2001feb08-story.html>. Focused studies for the species should occur.

The DEIR text and exhibits fail to specifically identify impacted acres of critical arroyo toad habitat, fail to appropriately analyze impacts, and fail to address avoidance or mitigation strategies for impacts to critical habitat. The document is informationally infirm.

The project proposes to maintain 22.4 acres as natural open space (ES 1-1) but fails to address operational impacts to this preserved open space (p. 3.4-18). Instead, the DEIR illogically and without foundation concludes that “potential operational impacts to biological resources will be minimal since the operational requirements of the high school are not expected to result ...beyond what will occur from construction of the project” (p. 3.4-18). USFWS/CDFW recognize and identify direct and indirect potential significant impacts from human and domestic animal intrusion onto this natural open space and sensitive areas. By failing to acknowledge the reality of operational impacts to these areas, the DEIR fails to provide any mitigation for these impacts, including permanent, ungated fencing as requested by USFWS/CDFW as follows:

A thorough discussion of mitigation measures for adverse project-related impacts on sensitive plants, animals, and habitats. Specifically, the DEIR should include/address:...

f. Measures to protect, in perpetuity, the targeted habitat values of proposed preservation and/or restoration areas from direct and indirect negative impacts. The objective should be to offset the project-induced qualitative and quantitative losses of wildlife habitat values. Permanent fencing should be installed between the impact area and biological open space and be designed to minimize intrusion into the sensitive habitats from humans and domestic animals. There should be no gates that would allow access between the development and biological open space. Additional issues that should be addressed include proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, etc.

The DEIR should be revised to candidly address operational impacts from student intrusions into protected open space and provide adequate mitigation for those impacts.

The DEIR should require, but does not reference, a mitigation monitoring and reporting program with performance standards and success criteria for the oak trees to be removed and replaced.

3.8 Greenhouse Gas Emissions

This section incorrectly states that the project won’t generate GHG emissions (p. 3.8-16). Project construction and implementation will generate GHG emissions of 1,932 MTCO_{2e}. Please correct this error.

This section relies exclusively on the SCAQMD threshold (relevant to Los Angeles, Orange, Riverside and San Bernardino Counties) but fails to also address the project’s consistency with the San Diego County’s Guidelines for Determining Significance.

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The DEIR's recitation of information concerning the County Climate Action Plan ("CAP") at p. 3.8-11 is outdated and does not reflect actions taken by the County after September 2017 and reflected at: https://www.sandiegocounty.gov/content/sdc/pds/ceqa/Climate_Action_Plan_Public_Review.html.

Contrary to the DEIR (p. 3.8-14), the County of San Diego Guidelines for Determining Significance Climate Change **are available** at the link above and should be, but are not, identified and analyzed in the DEIR.

This section indicates the project will include solar panels if funding can be secured as well as artificial turf. Possible GHG emissions reductions from these features should be quantified and identified in the DEIR.

This section contemplates GHG emissions reductions from use of bus transportation. Please analyze the feasibility and availability of bus transportation to the project location. At present, 50% of BUSD bus routes are full or have a waiting list (See Exhibit F) and the cost of a bus pass may be cost prohibitive for many families (\$594 for 1 child for an annual pass). Conclusions regarding effects on GHG emissions from student use of bus transportation are unsupported in the absence of quantification of GHG emissions from bus use, estimated numbers of students using the bus for transportation and anticipated emissions reductions, if any, from a reduction of parent drivers.

The GHG section references the applicable regulatory scheme but contains no analysis of the project's consistency with it, including, but not limited to, AB32 GHG reduction goals, etc. The DEIR also fails to discuss project consistency with SB 32 and AB 197 requirements, including emissions cuts of 40% below 1990 levels by 2030.

The regulatory framework is considered part of the environmental setting of a project and an EIR should discuss any inconsistencies between the proposed project and applicable general and regional plans. Guidelines § 15125(d). In assessing the significance of greenhouse gas impacts, Appendix G of the CEQA Guidelines asks, whether a project conflicts with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. CEQA Guidelines section 15064.4(b) indicates a lead agency should consider all of the following factors, among others when assessing the significance of impacts from greenhouse gas emissions:

- (1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;
- (2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project;
- (3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project.

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As stated by the California Supreme Court in *Center for Biological Diversity v. California Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204, 226:

a greater degree of reduction may be needed from new land use projects than from the economy as a whole... new development must be more GHG-efficient than this average, given that past and current sources of emissions, which are substantially less efficient than this average, will continue to exist and emit.

In the GHG arena, as recognized in the DEIR, there are multiple, applicable policies and regulations adopted for the purpose of avoiding or mitigating the impacts of greenhouse gas emissions. However, in many cases the DEIR simply recites the policies and regulations applicable to the project without analyzing whether the project is consistent with them or contains any project design features or mitigation which will result in GHG reductions consistent with the state regulatory scheme.

3.10 Land Use and Planning

The project is inconsistent with the following plans, policies and regulations. Discussion under Impact 3.10-2 is inadequate and consistency conclusions are unsupported as the DEIR fails to identify or analyze these inconsistencies or provide avoidance or mitigation of impacts resulting from these inconsistencies. The document should be revised and recirculated.

Inconsistency with Fallbrook Community Plan

The Fallbrook Community Plan provides in pertinent part:

Goal LU 5.2: A continuing high level of public and private educational opportunities and physical school facilities in the Fallbrook area where all individuals, from the preschooler to the adult retiree, have the educational resources to realize their full potential.

Policy LU 5.2.1: Encourage school sites to be selected to ensure a reasonable cost to the public, be adequate in size to serve the needs of the community, and permit safe direct access for the maximum number of students.

Policy LU 5.2.2: Provide safe walkways which serve the purpose of providing convenient access, as well as serving as bus stops, to school sites.

As previously indicated, the project fails to provide sidewalks and thereby fails to provide safe or convenient access and is inconsistent with Policy LU 5.2.1 and 5.2.2. This inconsistency should be identified and analyzed in the DEIR.

The Fallbrook Community Plan also provides:

Policy LU 2.4.4: Encourage a “Village Style” architecture as Craftsman, Victorian, Ranch, Colonial, Cottage Mission and Spanish architectural styles and utilization of building materials such as wood (simulated, non-combustible) rock, brick, stone or similar materials which are in harmony with the natural environment.

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The limited building elevations illustrated at Figure 2-4 provide no evidence of consistency with this policy and reflect modern, architecturally sterile design. The DEIR's failure to include any description of building materials or detailed architectural renderings render any consistency conclusions unsupported.

Inconsistency with County Major Use Permit Requirements

The DEIR acknowledges that a project of this type in a site with Limited Agricultural zoning is considered a Major Impact Services and Utilities use type requiring a Major Use Permit ("MUP"). However, the DEIR fails to identify or comply with County requirements for a MUP. Although the district may be exempt from complying with these requirements, it is not exempt from identifying them and analyzing the project's consistency with them in the body of the DEIR in order to provide the public and decision-makers with necessary information.

Because Major Impact projects, as identified by their name, can have significant impacts, the intent and purpose of a Major Use Permit is to provide for the accommodation of land uses with special site or design requirements, operating characteristics or potential adverse effects on surroundings, through review and where necessary, the imposition of special conditions of approval (See Exhibit G).

Accordingly, the Major Use Permit submittal includes a complete plot plan, architectural elevations, conceptual landscaping, grading plans, an environmental initial study, and a storm water management report. See also the lengthy submission checklist in Exhibit G. Several of these items are not included in the DEIR, including architectural elevations and grading plans.

When processed by the County, these submittal documents are sent to the applicable County Community Planning Group and Design Review Board (if any) and to affected Public Agencies for review and comment. A County of San Diego Land Use Planner will review the submittal and issue a Scoping Letter outlining project issues and requirements. The Scoping Letter will be sent to the applicant within 30 days of application submittal. When project issues and environmental requirements addressed have been resolved, a public hearing is advertised and held. Property owners within 300 feet of the project site are notified of these hearings.

The granting or denial of Major Use Permits is under the original jurisdiction of the County Planning Commission. Approved Major Use Permits have conditions that must be completed by the applicant prior to obtaining a building permit and/or prior to project occupancy or usage.

In accordance with Section 7358 of the County Zoning Ordinance, before any use permit may be granted or modified, the granting authority **must** make favorable findings concerning the following factors.

1. **Harmony in scale, bulk, coverage and density.** Describe the physical character of the project and its harmony with zoning regulations and adjacent property.
2. **Availability of public facilities, services and utilities.** Describe the adequacy of facilities, services and utilities to serve the project. If applicable, include school, fire, police, water, sanitation and electricity/gas.
3. **The harmful effect, if any, upon desirable neighborhood character.** This finding should describe the surrounding area and the impact of the proposal. This finding may include any benefits of the proposal and any mitigating measures such as buffering.

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4. The generation of traffic and the capacity and physical character of surrounding streets.

Describe the adequacy of the streets in relation to the proposal. List and describe the surrounding streets including the number of lanes.

5. The suitability of the site for the type and intensity of use or development which is proposed. Describe the physical characteristics of the site (e.g. level with adequate drainage) and the suitability of the proposal for this particular site.

6. Project findings 1 through 5 and the project location will be consistent with the San Diego County General Plan. Describe how the project's impacts with regard to findings 1 through 5, and the specific site, will be consistent with the County General Plan.

7. The requirements of the California Environmental Quality Act (CEQA) have been complied with. This finding should describe how the project will be in compliance with the requirements of the Environmental Quality Act.

None of these procedural protections or necessary finding are provided by the district in connection with the processing of this project.

The County requirements and necessary findings for issuance of a MUP should be identified and analyzed in the DEIR and consistency of the project under the normally applicable County land use procedures identified and analyzed. This is a fundamental informational omission which should be corrected in the DEIR.

Inconsistency with MSCP

The Wildlife Agencies (US Fish and Wildlife Service ("USFWS") and California Department of Fish and Wildlife ("CDFW")) requested that the DEIR provide discussion of the project's impacts on adjacent MSCP lands (p. 6 USFWS/CDFW Letter dated June 26, 2017). The DEIR fails to provide such discussion. This is a critical informational omission because Pre-Approved Mitigation Area lands ("PAMA") are located in the project vicinity which may be impacted by the project (Exhibit H). PAMA lands are areas with high biological value in which conservation will be encouraged.

The site is part of the MSCP and subject to the **adopted** NC MSCP Planning Agreement between the County and USFWS and CDFW which includes specific Planning Goals and Conservation Goals. The DEIR should identify these and analyze the project's consistency with them (See Exhibit I at sections 3 and 5).

The planning agreement also requires at section 6.7.3:

In the event land within the County's jurisdiction is proposed to be annexed to another jurisdiction, the County shall request that LAFCO impose a requirement on the annexing jurisdiction that it shall enter into an agreement between the County, the annexing jurisdiction, USFWS and CDFW as part of the annexation process to ensure **that annexation would only occur when the annexation will not jeopardize the build-out of the preserve or the coverage of species within either of the Planning Areas, or compromise viable habitat linkages within the proposed preserve and that any development of the annexed lands proceeds in accordance with the Planning Goals set out in Section 3 of this**

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Agreement and the Preliminary Conservation Goals set out in section 5 of this Agreement.

BUSD's role is similar to an annexing jurisdiction in that it is exempt from the normal County land use and planning procedures and requirements. Under the circumstances, the DEIR should identify this agreement and its planning goals and conservation goals. At a minimum, BUSD should consult with the Wildlife Agencies regarding whether: (1) this project will jeopardize the build-out of the MSCP preserve or the coverage of species within the North County MSCP Planning Area; (2) compromise viable habitat linkages within the proposed preserve; (3) and the project is consistent with the Planning Goals and Preliminary Conservation Goals in the agreement.

In view of these informational and analytical omissions, consistency findings under Impact 3.10-2 are unsupported and should be revised to include this analysis.

Inconsistency with San Luis Rey River Park Master Plan

The DEIR contains no reference to or analysis of project consistency with the San Luis Rey River Park Master Plan ("SLRRP")¹. The SLRRP identifies planned horse trails crossing Highway 76 and extending up Gird Road to Live Oak Park. It identifies the project site as a Tier A Site – Active Recreation Area (p. 59). The project site is identified as Site A9, Fallbrook High School site and the SLRRP indicates the Fallbrook district "determined that [it] is not well suited for the development of a new high school." The SLRRP states: "The spectacular views and shallow rolling topography distinguishes this site from all other potential Tier A sites while providing unique programming opportunities" (p. 64). The SLRRP concludes: "The majority of the site should be preserved/restored as open grassland habitat with nominal additive improvements such as trail improvements and park benches" (p. 65).

This plan and the clear inconsistencies should be identified and acknowledged in the DEIR.

3.12 Public Services

This section discusses fire hazards but fails to identify inconsistencies between the project and County General Plan provisions. Policy S-3.5: Access Roads provides: "Require development to provide additional access roads when necessary to provide for safe access of emergency equipment and civilian evacuation concurrently" (p. 3.12-4). As indicated in the letter of Bob Roper, former Ventura County Fire Chief, "[s]tandard planning conditions dictate two public access points designed specifically for evacuation flows for a project of this type/size. Multiple ingress and egress points are also becoming more important beyond the requirements for fire evacuation as school districts and law enforcement are addressing 'active shooter' practices." Impacts under an evacuation and/or emergency scenario for the single access proposed by the project should be analyzed and a secondary access alternative identified and analyzed.

The DEIR also fails to specifically address project consistency with Policy S-3.7: Fire Resistant Construction: "Require all new, remodeled, or rebuilt structures to meet current ignition resistance construction codes... in high fire threat areas." Please provide specifics concerning construction materials in this VHFHSZ.

¹<http://www.sdparcs.org/content/dam/sdc/parks/RMD/RMPs%20and%20Trails/SLRmastersummary.pdf>

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3.13 Transportation and Traffic

This section indicates there are presently no sidewalks or bike lanes on Gird Road and the DEIR contains no provision for sidewalks or bike lanes as part of the project (p. 3.13-2).²

Sidewalks or decomposed granite pathways (consistent with rural community character) will encourage pedestrian access to the site, reduce transportation impacts, GHG impacts, and air quality impacts. They are also critical to student pedestrian safety.

Likewise, increased accessibility for bicycles will reduce transportation impacts, GHG impacts, and air quality impacts. Bike lanes are also essential to the safety of student cyclists. The project should include these safety and impact reduction measures.

This section fails to analyze transportation and traffic impacts consistently with California's Vehicle Miles Traveled ("VMTs") model. Senate Bill 743 was signed in 2013, requiring a move away from vehicle delay and level of service (LOS) under California Environmental Quality Act (CEQA) transportation analysis. It requires the Governor's Office of Planning and Research (OPR) to identify new metrics for identifying and mitigating transportation impacts.

OPR identified VMT per capita, VMT per employee, and net VMT as new metrics for transportation analysis and in November, 2017 released a CEQA Guidelines update package. Under the circumstances, the DEIR transportation and traffic analysis should include the VMT analytical model and these updates.

The section underestimates ADTs for a high school of this size. As previously indicated, the City of San Diego's Trip Generation Manual indicates the Driveway Vehicle Trip Rate for a High School and Cumulative Vehicle Trip Rate is 1.8 trips/student. This calculates as 2,700 trips, not 1,950 as indicated by the DEIR. Please articulate the basis for the DEIR's daily trip totals.

In view of the DEIR's failure to identify all relevant cumulative projects as identified previously, please identify the 5 projects and their location referenced at p. 3.13-12 which were included in the project's study area. The section is inadequate as it fails to include a map of the study area with relevant projects and intersections clearly identified.

Provision of a single point of ingress and egress for a project of this size is insufficient; secondary access should be provided, particularly in the event of an evacuation or other emergency (See Letter of Bob Roper submitted under separate cover). Gird Road has been subject to evacuation two times in the last decade.

Under the circumstances, in the interests of student safety, traffic studies should include evacuation contingencies and an analysis of the increased, concentrated traffic resulting from evacuation including parent drivers attempting to reach children, area residents fleeing and law enforcement and fire department personnel access to the site in the midst of an evacuation or emergency situation.

Fire modeling should be part of this planning effort in order to determine necessary evacuation strategies and whether adequate time exists for safe evacuation in this VHFHSZ.

Parking Deficits

² This is inconsistent with p. 2-12 of the DEIR which indicates there are bike lanes on Gird Road. Please clarify.

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The project contemplates 60 staff members, unaccounted visitors and up to 1,500 students. The project provides a total of 199 parking spaces, 60 for staff and visitors and 139 for students (p. 2-1). There is no permitted on-street parking (p. 3.13-3). According to the County of San Diego Zoning Ordinance, Part 6: General Regulations, **the project's parking spaces are inadequate for a school of this size.**

The County Zoning Ordinance provides that a Senior High School should provide one parking space per employee, fifteen spaces for visitors and calculate necessary student parking spaces at .25 spaces per student multiplied by the total number of students (See Exhibit J). Based on the County's requirements, the project should have 60 spaces for staff, 15 for visitors and 375 spaces for students for a total of 450 spaces. **The project provides only 44% of the required parking.** This presents a significant traffic impact requiring identification and analysis in the DEIR and avoidance or mitigation, particularly since the project makes no provision for alternate pedestrian or bike access.

The project also fails to provide adequate required bike spaces. The County Zoning Ordinance requires calculation of bike spaces at .1 per student for a total of 150 spaces. No bike spaces are identified as part of the project in the DEIR. The failure to make any provision for bike-riding students presents a significant safety and traffic impact requiring identification and analysis and avoidance or mitigation.

3.15 Utilities

The table (3.15-1) at p. 3.15-1 entitled Existing and Projected Water Supply and Demand is useless in the absence of identification of units of measurement such as Gallons Per Day ("GPD") or Acre Feet Per Year ("AFY"). In addition, this section fails to identify the actual water demands of this project. In the absence of any information regarding the water demands of the project, including irrigation of athletic fields, landscaping and FMZs, conclusions regarding the adequacy of water supply are unsupported.

The DEIR contains no discussion concerning whether adequate water volume and pressure exists for firefighting. This information should be addressed in a revised document.

Decision makers must, under the law, be presented with sufficient facts to "evaluate the pros and cons of supplying the amount of water that the [project] will need." (*Santiago County Water Dist. v. County of Orange* (1981) 118 Cal. App. 3d 818, 829.) At present, the DEIR fails to provide any facts concerning the total water demands of this project and is inadequate.

Chapter 4 Other CEQA Considerations

Statements and conclusions concerning growth inducement are unsupported. The DEIR indicates: "Operation of the new high school is intended to accommodate anticipated growth in the BUSD high school population" (p. 4-15) but as previously indicated the DEIR provides no information concerning population growth projections generally or high school population growth specifically.

The DEIR also states: "The project would support phased development to accommodate for planned growth rather than developing in excess prior to the need" (p. 4-15). Again, there is no evidence in the DEIR concerning planned growth or specific growth projections or phased development of the project.

The DEIR's discussion of Agency Authority at p. 4-16 is incorrect and errors in Table 4-1 must be corrected. The Community of Fallbrook exercises no adoption authority over the General Plan, planning elements, local land use regulations, ordinances, air quality planning or enforcement of energy efficiency

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standards. These matters are all under the purview of San Diego County and its Board of Supervisors, not this unincorporated community. While Fallbrook provides input and recommendations on its community plan and development proposals thereunder, it does not exercise binding approval or rejection authority in connection with these matters. Please correct these errors and determine if this fundamental misunderstanding concerning Fallbrook's authority has impacted any other areas of the DEIR.

Chapter 5 Fails to Provide a Reasonable Range of Alternatives and Conclusions Regarding Infeasibility of an Alternate Location Are Unsupported

CEQA provides that “public agencies should not approve projects as proposed if there are feasible alternatives... which would substantially lessen the significant environmental effects of such projects.” Pub. Res. Code §21002. An EIR must “ensure that all reasonable alternatives to proposed projects are thoroughly assessed by the responsible official.” *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 203. “The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project.” Guidelines §15126.6(f). Accordingly, the DEIR must “describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project.” Guidelines §15126.6(a).

The alternatives analyzed in the DEIR are inadequate because they fail to satisfy the foundational Public Resources Code section 21002 requirement to identify alternatives which substantially lessen the significant environmental effects of the project; in fact, aside from “Alternative 1: No Project/No Build Alternative” (which is legally required (Guidelines §15126.6(e)(3)(B))), the remaining DEIR alternatives do not reduce the project's significant environmental impacts.

In fact, “Alternative 2: No Project/Development in Accordance with the General Plan”, presents a project with impacts grossly in excess of the proposed project and fails to comply with the fundamental requirement that alternatives “shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project.” Guidelines §15126.6(f). This reader seriously doubts whether the scale of development imagined by this alternative would ever be approved by the County given the surrounding land uses and environmental constraints. The alternative appears to have been constructed simply as a “strawman” to make the project appear less environmentally offensive.

“Alternative 3: Phase I Only” contains fundamental errors in its calculations which must be corrected and the document revised. This alternative indicates only Phase I of the project consisting of 46,270 square feet would be constructed instead of the total project consisting of 150,500 square feet. The discussion erroneously characterizes this difference as a 30% reduction in square footage. The reduction in square footage is 104,230 square feet, **a 69% reduction in square footage. Impact significance differences between the project and Alternative 3 must all be revised and corrected in the DEIR.**

At present, the DEIR offers no meaningful alternatives other than the legally required “No Project/No Build” alternative. The No Project/No Build alternative alone does not constitute the “reasonable range” of alternatives that CEQA requires. *See, e.g., Watsonville Pilots Ass'n v. City of Watsonville*, 183 Cal. App. 4th 1059, 1089–90 (2010) (EIR was deficient for failing to include alternative that would avoid or lessen the project's primary growth-related significant impacts); *see also Citizens of Goleta Valley v. Bd. of Supervisors*, 52 Cal. 3d 553, 566 (1990)(“[A]n EIR for any project subject to CEQA review must consider a reasonable range of alternatives to the project . . . [that] offer substantial environmental advantages over the project proposal...”).

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Alternate Location

The DEIR provides no substantial evidence in support of its failure to consider an alternate location for BHS. The DEIR's articulated basis for the decision to omit consideration of an alternate site is the BUSD Advisory Committee proceedings and recommendations. The evidence cited in support of the decision to omit consideration of an alternate location is Appendix T which merely consists of a PowerPoint presentation which reviewed the committee's evaluation process and recommendations.

The committee's evaluation is not a substitute for or the equivalent of CEQA review nor is the recommendation of a committee determinative of whether an alternate location should be considered as part of the CEQA review process. The committee's criteria do not duplicate CEQA impact analysis or address "whether any of the significant effects of the project would be avoided or substantially lessened by putting the project at another location." Guidelines §15126.6(f)(2).

In fact, the only substantial evidence in the DEIR indicates that analysis of an alternate site was both reasonable and appropriate and at a minimum, would lessen significant transportation and traffic impacts. Save Gird Valley's comment letter submitted in response to the Notice of Preparation indicates: "BUSD should acquire the Ocean Breeze Ranch property adjacent to its Sullivan Middle School/Bonsall High School campus in Bonsall. This property has been offered for zero down and its centralized location would reduce transportation costs and greenhouse gases (GHGs)" (Save Gird Valley NOP Comment Letter p. 8).

The DEIR alternative analysis is infirm, should have included additional alternatives, including an alternate location for BHS and must be revised.

Failure to Fully Identify and Analyze Applicable Regulatory Scheme Relating to Public Schools

California public schools are governed by a host of state laws and regulations many of which are appropriately identified in an EIR and the project's consistency with them is a necessary and appropriate part of the environmental review process as inconsistency may demonstrate a significant environmental impact. However, the DEIR is virtually silent on these laws and regulations.

California Code of Regulations, Title 5 governs school facilities construction. Section 14001 sets forth minimum standards for educational facilities planned by school districts. Standards for school site selection are set forth at section 14010 which provides in pertinent part: "a. The net usable acreage and enrollment for a new school site shall be consistent with the numbers of acres and enrollment established in Tables 1-6 of the 2000 Edition, "School Site Analysis and Development" published by the California Department of Education and found at <https://www.cde.ca.gov/ls/fa/sf/guideschoolsite.asp>.

These tables indicate that for grades nine through twelve with an enrollment of 1401 to 1600 students, 38.7 usable acres are required (see Exhibit K). At 24.6 usable acres (p. ES-6), the project is patently inconsistent with these state-mandated requirements yet the DEIR neither identifies the applicable regulatory scheme nor this inconsistency.

If a school site is less than the required acreage, "the district shall demonstrate how the students will be provided an adequate educational program including physical education..." 5 Cal.Code Regs. §14010 b.

The site "shall be located within the proposed attendance area to encourage student walking and avoid extensive bussing unless bussing is used to promote ethnic diversity." ... 5 Cal.Code Regs. §14010 n. The

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project fails to provide sidewalks, is located in the northeastern portion of the district boundary away from most BUSD students and contemplates bussing without identification of numbers of students needing or accommodated by busses.

“The cost and complications of the following shall be considered in the site selection process and should not result in undue delays or unreasonable costs consistent with State Allocation Board standards:...5. Existence of any wildlife habitat that is on a protected or endangered species list maintained by any state or federal agency, existence of any wetlands, natural waterways, or areas that may support migratory species, or evidence of any environmentally sensitive vegetation.” ...” 5 Cal.Code Regs. §14010 s.

Since the project will rely on busses, the DEIR should also reference the district’s transportation safety plan (required under Educ. Code §39831.3) and analyze the project’s consistency with it. The DEIR should also reference the district’s emergency procedures and passenger safety procedures (required under Educ. Code §39831.5) and analyze the project’s consistency with these procedures.

Conclusion

Overall, and in numerous specific ways, the DEIR fails to serve its fundamental purpose as an informational document. It must be revised and recirculated so that the public and decision-makers understand the true environmental consequences of the Bonsall High School project. Thank you for your attention to these comments.

Very truly yours,
KEVIN K. JOHNSON, APLC

Jeanne L. MacKinnon

Encl. Exhibits A - K