



Meeting Date: October 1, 2025
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September 30, 2025

To: Members of the San Diego County Planning Commission

From: Jose Torre-Bueno, Executive Director, The Center for Community Energy

Re: Letter of Support for the Harmony Grove Village South Project

Dear San Diego Board of Supervisors,

San Diego is facing an urgent housing crisis, and the only long-term solution is to build more homes that working families can afford. We're writing this letter to show our support for the Harmony Grove Village South project – a thoughtfully designed community that will provide 453 much-needed homes, including townhomes, row houses, and single-family residences, ensuring that middle-class San Diegans have access to quality, attainable housing. Additionally, it will be built by local union members, supporting fair wages and creating good jobs right here in our region.

Beyond addressing our housing shortage, Harmony Grove Village South sets a new standard for sustainability. With 100% rooftop solar, EV charging in every home, and energy-efficient building design, this project will be a true net-zero energy community. Expanding an existing neighborhood and utilizing current infrastructure ensures responsible growth while preserving open space and enhancing ecological restoration efforts.

This project exemplifies the kind of forward-thinking development that aligns with the Center for Community Energy's mission to promote clean energy solutions that benefit communities while advancing California's decarbonization goals. By integrating distributed energy resources such as solar power and EV infrastructure, Harmony Grove Village South will not only lower energy costs for residents but also contribute to a more resilient electric grid. Projects like this showcase how sustainable housing and smart energy policies can work hand in hand to create a healthier, more affordable future for San Diegans. We urge the Board of Supervisor to approve this innovative and much-needed development to help San Diego move toward a more sustainable and housing-secure future.

Sincerely,

A handwritten signature in black ink, appearing to read "Jose Torre-Bueno".

Jose Torre-Bueno, Ph.D.
Executive Director
Center for Community Energy



September 30, 2025

Via Electronic Mail Only

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**Re: Harmony Grove Village South Revised Final Environmental
Impact Report**

Dear Chair and Members of the Board of Supervisors:

On behalf of the Elfin Forest Harmony Grove Town Council (“Town Council”), we submit these comments on the Revised Final Environmental Impact Report (“RFEIR”) for the proposed Harmony Grove Village South project (“Project” or “HGVS”). The RFEIR follows a similarly inadequate Revised Draft Environmental Impact Report (“RDEIR”). (The RFEIR and RDEIR are referred to in this letter collectively as the “REIR.”) We submitted two letters to the County commenting on the previous draft. Our letters of October 7, 2024 and July 16, 2025 are by this reference incorporated herein in their entirety, including all attachments. We also submitted a letter to the Planning Commission before their consideration of the HGVS project at their public hearing on August 22, 2025, which we also include by reference. In these letters, we described many substantive flaws in the REIR’s analysis. As detailed below, the REIR remains inadequate and cannot support approval of the Project. This Board can and must use its discretion to reject this dangerous and ill-considered project.

The Town Council and other Elfin Forest and Harmony Grove residents have been fighting against this project for years—not because they oppose any and all development, but because they understand firsthand the fire risk in the area and the grave danger that the Project would add in its current form. When the County first approved entitlements and certified an EIR for the Project in July 2018, the Town Council and other petitioners challenged the County’s flawed environmental review process and General Code violations, securing victories before the trial and appellate courts.

Following the appeal, the trial court issued an order requiring the County to fully rescind the Project's entitlements, with which the County complied.

In reviewing the new Project application, this Board is not beholden to its prior approvals or limited in its ability to fully assess whether this Project serves the public interest. Res judicata is an affirmative legal defense that the County can raise in future litigation, not a prohibition on the Board's discretionary police power. The Board has full authority to deny the Project. Indeed, the County's rescission of the previous project approvals means that all land use and zoning approvals must be issued anew and that the Board of Supervisors must consider those approvals in light of current laws and requirements. And, as **Fire Chief David McQuead** admitted on record at a September 17, 2025 Elfin Forest/Harmony Grove Town Council community meeting, **"Today, you could not pass [the Harmony Grove Village South] project without secondary [egress]."**¹

For all the reasons below, this Board must vote no on the Project.

I. The Board Has Full Discretion to Deny the Project.

Despite ever-worsening fire conditions and strenuous, sustained opposition from area residents, the Project applicant decided to resurrect this dangerous Project. Because the County vacated all of the Project entitlements and the applicant has no vested development rights, the Project applicant filed a new application for a General Plan Amendment, a Specific Plan, a Rezone, a Tentative Map, a Major Use Permit, a Site Plan, and a draft Habitat Loss Permit. **The planning approvals requested by the applicant require discretionary approvals by the Board of Supervisors that the Board is under no obligation to grant.**

A. The General Plan Amendment Is Not in the Public Interest.

1. The Project Is Dangerous and Contrary to the Public Interest.

The Project applicant has requested a General Plan Amendment to essentially double the amount of residential units that are allowed under the current General Plan land use designation and Zoning regulations for the very fire-prone Project area with a

¹ Elfin Forest/Harmony Grove Town Council community meeting, September 17, 2025, available at <https://www.youtube.com/watch?v=wAfLlo9kwa4&t=32s>. Fire Chief McQuead issued a September 24, 2025 letter clarifying his comments. See September 24, 2025 Letter from Chief McQuead (Attachment 6).

single egress. But the County cannot approve an amendment to the General Plan unless it finds that such amendments are in the public interest. Gov. Code, § 65358(a). Thus, **the County retains full discretion to deny the Project if it finds it is not in the best interest of the County and the surrounding community.**

As the Town Council and other area residents have been shouting from the rooftops for almost a decade, this Project is decidedly *against* the public interest. The Town Council has submitted testimony and evidence from eight independent fire experts—all of whom unanimously agree that approving a large residential housing development of almost a thousand people in a Very High Fire Hazard Severity Zone without true secondary access would show a reckless disregard for public safety. *See* Wildfire Expert Comments on HGVS (attached). Wildfire scientists collectively recognize that this Project does not serve the public interest for three key reasons:

- New development will increase ignition likelihood in a highly flammable landscape;
- Evacuation time in a fire event is likely to exceed wildfire lead time under common wind scenarios; and
- “Shelter-in-place” is not a viable population-level safety strategy.

Indeed, the County need only look to past examples throughout the state, including Paradise and Los Angeles, to see how this scenario plays out. If this Board decides to ignore these warnings and the pleas of the very people they are supposed to represent and approves the Project anyway, any resulting harms to people or property will rest squarely on the Supervisors’ shoulders.

2. The Project Does Not Serve the County’s Housing Goals.

California’s housing crisis has left some decisionmakers hesitant to deny *any* housing development, but ill-advised housing projects that leave residents vulnerable during future wildfire evacuations do not further the state’s goals. Solving the housing crisis should be about approving the right kind of housing in the right locations, not greenlighting projects that endanger residents. The Board has a responsibility to make their own determinations regarding the safety, necessity, and wisdom of approving the Project. *See* Gov. Code §65589.5(j) (restrictions on disapproving housing applicable only where a proposed housing development project complies with applicable general plan and zoning standards “in effect at the time that the application was deemed complete”).

This opportunity to look at the Project with fresh eyes is especially important because many of the former justifications given for approving the Project in 2018 no longer hold weight. For example, in the Global Response: Project Consistency with General Plan Policy LU-1.4 in 2018 FEIR Section 8.3.1, the County previously concluded that the Project “will help meet a projected long-term regional need for housing.” But, as the Town Council pointed out in its July 2025 comments to the County, “[t]he 2024 Housing Report shows that the County is well ahead of its RHNA goals with 84% of the state-mandated housing goals already met.” *See* Town Council’s July 2025 Comments at 3.

Indeed, the only housing category for which the County has not surpassed or almost surpassed its goal is the Very Low affordability category, which the Project would not help. *See* County’s General Plan & Housing Element Annual Progress Report at 21-22. Moreover, the Project site is not on the County’s inventory of sites to meet the RHNA. *See* Housing Element at 6-1, Appendices 6-G and G-H. The proposed Project is simply not needed to meet projected long-term regional need for housing. *See Snowball West Investments L.P. v. City of Los Angeles* (2023) 96 Cal.App.5th 1054, 1064, 1088 (upholding city’s denial of rezone from rural agricultural zoning to higher-density residential where the record showed project was not in the city’s RHNA, would be inconsistent with surrounding density, and raised wildfire evacuation concerns).

The Board must also consider the danger of approving residential homes in a location that may leave residents unable to find home insurance due to heightened wildfire risk.² These are not necessarily factors that staff have analyzed under CEQA, but they are absolutely realities that the County’s elected representatives must consider when determining the public interest of current and future residents.

Finally, as the Town Council has previously explained, “[d]enying the proposed general plan amendment would not eliminate all development potential at the site.” *See* Town Council’s October 2024 Comments at 4. The site is already zoned to allow for up to 220 units. *See* FEIR 1-36 (noting this maximum does not take into account environmental constraints); 3.1.5-5, 3.1.5-42-43, 3-12 (noting development density is reduced for slopes greater than 25%). The REIR fails to meaningfully engage with this argument, but the Town Council must emphasize once again that, as a matter of good

² *See, e.g.* Kolbert, Elizabeth, “The Insurance Crisis That Will Follow the California Fires,” *The New Yorker* (Jan. 10, 2025), available at <https://www.newyorker.com/news/the-lede/the-insurance-crisis-that-will-follow-the-california-fires>.

governance, the County should abide by the existing General Plan designation and deny the proposed amendment.

3. The Doctrine of Res Judicata Does Not Limit the Board's Discretion.

Despite this mounting agreement among experts about the dangers of this Project, County staff and Planning Commissioners have tried to downplay these concerns, insisting that the County's hands are somehow tied by prior analysis of the Project, undertaken 10 years ago using outdated methods under outdated legal standards. Not so. As even the County itself has repeatedly admitted, "The Board is not required to approve General Plan Amendments and may deny the project as the Court of Appeal ordered the previous approvals to be rescinded." Board of Supervisors Letter re HGVS Approvals, Land Use Agenda Item 04 (Oct. 1, 2025) at 2; *see also* FREIR at 8-153 ("County agrees that the Board has the discretion to approve or deny the Project.").

Yet, much of the discussion surrounding this Project has not been about its devastating potential impacts, but about the County's reluctance to utilize this second chance to take a hard look at this Project. The Readers' Guide accompanying the revised portion of the EIR invokes *res judicata* to justify the County's refusal to consider any new information or any Project impacts beyond greenhouse gas emission. *See* Reader's Guide at 1-2. But this argument confuses the matter: *res judicata* is a legal defense that bars re-litigation of issues previously adjudicated in an earlier process. It has no bearing on how the current Board of Supervisors should view the past, flawed decision making of County leadership seven years ago. *See Center for Biological Diversity v. Dept. of Fish & Wildlife* (2017) 17 Cal.App.5th 1245, 1257-59 ("we think it clear that 'the legislature intended that the agency should exercise a continuing jurisdiction with power to modify or alter its orders to conform to changing conditions' so the 'doctrine of *res judicata*' does not bar reconsideration of prior approvals after earlier EIR is decertified and revised) (internal citations omitted).

The County has broad authority to deny projects based on its own land use authority and duty to protect public safety under its policy powers, entirely separate from CEQA. In making land use decisions to approve or deny projects, the County is not bound by any findings in its prior EIR, principles of *res judicata*, or any other doctrine. *Santa Clara Valley Water District v. San Francisco Bay Regional Water Quality Control Board* (2020) 59 Cal.App.5th 199, 214 (holding that "[n]o matter how final and unassailable the EIR might be under CEQA," the water board has the authority to deny discharge permits under state law and the "EIR's finality cannot prevent the Board from exercising its independent Porter-Cologne Act authority to protect water quality."). *Res*

judicata does not stop this Board from reaching a different conclusion about whether this Project and its requested entitlements are in the public interest.

B. The Board Cannot Make the Necessary Findings for Tentative Map and Major Use Permit Approval.

As the Town Council has argued throughout this process and as the County has reluctantly acknowledged, this Project has no current entitlements. The Project applicant has no vested rights. All previous Project approvals were rescinded, including the tentative map approval. This means the applicant had to file a *new* tentative map application, which triggered specific requirements in the County Code. *See* Town Council's August 22, 2025 Letter to Planning Commission, pp. 4-6.

1. The Project Application Fails to Meeting County Code Requirements for an Updated Fire Protection Plan.

When the County receives an application for a major subdivision and processing of a tentative map, like the one the Project applicant submitted last year, the County Code requires the Planning Commission to obtain and review the Fire Chief's recommendations on the Fire Protection Plan and the Project. *See* San Diego County Code § 81.306. The Planning Commission must "obtain and review the recommendations" of the RSFFPD Fire Chief with respect to "fire hydrants, connections to be installed, fire control measures, improvements and compliance with SRA Fire Safe Regulations..., or sections of fire district's code or County Fire Code, related to subdivisions..."; § 4903.1.1 (when applicant seeks a subdivision map for property located in wildland-urban interface fire area, it must submit an FPP that is prepared consistent with applicable fire codes and accepted by the Fire Agency Having Jurisdiction and County).

This review must take place under *current* fire code requirements. Yet, despite this clear cut language, County staff never asked the Fire Chief to review the tentative map application under current fire code. As Fire Chief McQuead explained in his September 2025 letter:

Our Fire District requested clear direction from County PDS staff in 2024 to understand our role, if any, regarding the already County approved 2018 HGVS Fire Protection Plan and Evacuation Plan. The Fire District was told in writing and verbally that *no additional input was needed regarding [sic]*

fire safety plan as those items were litigated, appealed and upheld by the Appellate Court....*The Fire District did not review or provide any further input to the County based on the given direction.*

See September 24, 2025 Letter from Chief McQuead (Attachment 6). **Here, the Fire Chief admits that he has not reviewed the Project to see if it would comply with the current Fire Code and other fire safety requirements. The County has not complied with County Code section 81.306.**

The Fire Chief's letter refers to "the already County approved 2018 HGVS Fire Protection and Evacuation Plan," likely echoing County staff's erroneous position that the Fire Chief's review of the current Project is somehow barred by res judicata and that continued reliance on the old FPP is appropriate. Notably, County staff provided no legal support for this position in the REIR. That is because the doctrine of res judicata does *not* excuse or prohibit the County from meeting the requirements of its own Code.

County's staff and the REIR fundamentally mistake the nature of this FPP review. The County rescinded *all* Project entitlements on the trial court's orders. **Because the original subdivision map approval was rescinded as a result of the litigation and the Project applicant has once again submitted applications for a major subdivision and tentative map, the County must obtain the Fire Chief's review and recommendations anew.** See San Diego County Code §§ 4903.1, 196.1.004. And, as discussed above, that review must take place under the current and more stringent 2024 Guidelines, which would change the Fire Chief's analysis.

Fire Chief McQuead's letter admits as much when it clarifies that the Chief's September 17 comments "addressed how a fire district such as our Fire District can research and apply modifications that meet or exceed the intent of the code. In particular, my comment was intended to apply to a new project coming before our Fire District today without secondary egress, which our Fire District would during the review process look at and identify any potential modifications that could mitigate secondary egress." See September 24, 2025 Letter from Chief McQuead (Attachment 6). Because the Project's past tentative map approval was rescinded, for the purposes of County Code compliance, this Project is such a "new project" that should "com[e] before [the] Fire District today" and be evaluated for its ability to comply with the current Fire Code and FPP Guidelines requirements. As discussed below and as Chief McQuead admitted at the community meeting, the Project—with its overly long dead end road and lack of secondary egress—could and should not be approved.

2. If the Tentative Map Application Were Reviewed Under Current Fire Law, as the County Code Requires, the Project Could Not Be Approved.

a. The Current Fire Protection Plan Guidelines Require a Higher Evidentiary Showing to Support Alternative Measures.

The County must require preparation of a new Fire Protection Plan (“FPP”) under the 2024 Fire Protection Guidelines. *See* Town Council’s October 2024 Comments at 25-27; *see also* Town Council’s August 2025 Comments at 4-5. As the Town Council noted, the FPP currently provided for the Project relies on Rancho Santa Fe Fire Protection District (“RSFFPD”) approval from 2016, was found consistent with the Fire Code from 2014, and utilizes County significance guidelines from 2010. *See* HGVS FPP at 3, E-3. Tellingly, the last review of the proposed Project FPP took place *nearly a decade ago*. The Town Council further explained that an updated review was required in light of the applications for a subdivision map, specific plan, and major use permit.

In response and without *any* legal support, the REIR flatly asserts that “[r]econsideration of Project entitlements does not require a new FPP.” RFEIR at 8-121. Falling back on the same tired refrain, the REIR claims that any analysis beyond GHG mitigation is barred by *res judicata*. *Id.* The REIR then goes on to argue that a new analysis under the 2024 FPP Guidelines would not be materially different because the updated FPP Guidelines do not have “more rigorous requirements” and any would-be new requirements have already been included in the Project’s FPP. RFEIR at 8-120. **However, the September 2025 public statement from Fire Chief McQuead that “[t]oday, you could not pass [the Harmony Grove Village South] project without secondary [egress]”³ undermines that assertion.**

Indeed, the REIR completely disregards a key change in the Guidelines. The 2010 Guidelines require the following showing:

That the modification is in compliance with the intent and purpose of the code

But the 2024 Guidelines requires a showing that:

³ Elfin Forest/Harmony Grove Town Council community meeting, September 17, 2025, available at <https://www.youtube.com/watch?v=wAfLlo9kwa4&t=32s>.

*The modification is in compliance with the intent and purpose of the code **and** provides the same practical effect*

The REIR attempts to breeze past this key difference, failing to even include it in a list of changes between the two laws. REIR at 8-123 to 8-124. But this additional language in the 2024 Guidelines would require different findings and evidence than what was required under the 2010 Guidelines. Compliance with “the intent and purpose of the code” goes to whether the Project’s alternatives to Fire Code standards are in keeping with the Code’s objectives, and does not necessarily require proof of their efficacy. In contrast, a requirement that the modification “provides the same practical effect” *is* a higher standard because it requires some proof that the alternative method would actually work. This contrast between “intent” and “effect” could significantly alter RSFFPD’s analysis of the proposed FPP and the Project’s ability to satisfy the Fire Code.

The REIR’s only reference to the “same practical effect” language appears in its subsection discussing the mitigation measure ratio. *See* RFEIR at 8-125. The 2024 Guidelines, Section 5.10, require a showing that alternative measures have the same practical effect as the original safety requirement at a 2:1 ratio. The REIR dismisses this requirement out of hand, arguing that “the findings needed for the fire code official to approve a modification...do not reference the 2:1 ratio.” *Id.* But the findings *do* require a showing that the alternative method will have the “same practical effect.” Read together with Section 5.10, it is clear that the mitigation ratio would apply and would create a much more stringent evidentiary standard for alternative measures.

b. The Project’s Alternative Measures Cannot Satisfy Current Fire Protection Plan Standards.

The Board need only look at the current Fire Code to see that the Project’s alternative measure cannot provide “the same practical effect” as the Code’s safety requirements at a 2:1 ratio. For instance, the 2023 Fire Code requires a maximum of dead-end roads of 800 feet for parcels zoned for less than 1 acre. Fire Code Sec. 503.2.5.2. The 800-foot maximum is a “cumulative” figure that must include the length of a “dead end road, including all dead end roads accessed from that dead end road.” *Id.* The code defines a dead-end road as a “road that has only one point of vehicular ingress/egress, including cul-de-sacs and looped roads.” State law also provides that the maximum cumulative dead-end road shall not exceed 800 feet. Cal. Code Regs. (“CCF”), tit. 14, § 1273.08(a).

The 2018 FPP admitted that the Project violates an earlier version of this provision because the “dead-end road that leads to the most distant structure on HGVS measures

approximately 0.8 miles [4,224 feet] to the intersection of Harmony Grove and Country Club Drive.” FPP at 20. In other words, the Project proposes dead-end roads that are more than five times the permissible 800-foot maximum.

The Fire Code does permit the fire official to authorize a modification of fire codes, but it may do so only if compliance with the code is “impracticable” and the modification “is in compliance with the intent and purpose of this code” and “does not lessen health, life and fire safety requirements.” 2023 Fire Code Sec. 104.9; *see also* FPP at 34-35. State regulations also permit an exception, but only where the alternative provides the “Same Practical Effect” as a regulation in providing Defensible Space. CCR, tit. 14, § 1270.07(a). “Same Practical Effect” is defined as “an Exception or alternative with the capability of applying accepted wildland fire suppression strategies and tactics, and provisions for fire fighter safety, including: (1) access for emergency wildland fire equipment, [and] (2) safe civilian evacuation....” *Id.* § 1270.01(aa). And, under the new 2024 FPP Guidelines, Section 5.10, the Fire Chief must show that alternative measures have the same practical effect as the original safety requirement at a 2:1 ratio. *See* RFEIR at 8-125.

The “intent” of dead-end requirements is to ensure that roads “shall provide for safe access for emergency Wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a Wildfire emergency.” CCR, tit. 14, § 1273.00. Because dead-end roads eliminate access, the only real way to grant a variance from these requirements that do not “lessen health, life and fire safety requirements” is to provide secondary access as the revised County Fire Code makes clear:

The fire code official is authorized to require more than one fire apparatus road when a new subdivision is proposed, and the maximum allowable dead-end road length is exceeded (Sec. 503.2.5.1.).... This requirement is based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climate conditions or other factors that could limit access. **When additional fire apparatus roads are necessary as mitigation for the exceedance of maximum allowable dead-end road length, the additional fire apparatus access road must be remote from the primary fire apparatus road as determined by the fire code official.**

2023 Fire Code Sec. 503.1.2 (Secondary Access). The fire road should normally have “an unobstructed improved width of not less than 24 feet.” *Id.* Sec. 503.2.1(a).

Thus, to justify the Project's failure to comply with the Fire Code's dead-end requirements, the Fire Chief would somehow need to show that the other Project features have the same practical effect as the dead-end road length limit at a 2:1 ratio *without any secondary egress*—the very thing the Fire Code identifies as a primary means of compensating for long dead-end roads. **The Fire Chief could not make such a determination because these circumstances—the very approach the Project proposes to take—are objectively unsafe.**

Under current Fire Code requirements, the Fire Chief could not support the project without secondary egress. Given that County staff failed to follow the plain language of the County Code in soliciting the Fire Chief's input regarding the Project and FPP's compliance with current fire laws, Chief McQuead's now-rescinded statement that the project could not pass if evaluated now is even more damning. If the County is so confident in the Project's safety, why has it worked so hard to keep the Fire Chief from evaluating the Project against the most current and most protective fire safety standards?

3. The Board Cannot Find that the Project is Consistent with the Rest of the General Plan.

Since 2022, County staff have updated many of the County's long range planning documents, including the General Plan Safety Element, which sets out new evacuation route data, analysis, and policies in response to state law. To approve the tentative map, the County must make certain consistency findings, but the 2018 FEIR contains no analysis of the extent to which the Project complies or fails to comply with these current policies. Were the County to actually undertake this analysis, the Board would find that the Project is inconsistent with numerous current Safety Element policies addressing wildfire risk, access, and evacuation, as the Town Council detailed in its October 2024 comments. *See* October 2024 Comments at 41-44.

The County also cannot make the findings required for approval of the tentative map. Under state law, a county "shall deny approval of a tentative map" if it makes any of the following findings including findings that:

- the proposed map or design is not consistent with the general plan (Gov. Code, § 66474(a)&(b);
- the site is not physically suitable for the proposed density or type of development (*id.* 66474(c)&(d)); or

- the subdivision is likely to cause substantial environmental damage or serious public health problems (*id.* 66474(e)&(f)).

Gov. Code, § 66474. As the 2024 FPPG provides:

Two of the findings that can cause a subdivision to be denied are (1) that the site is physically ill-suited for the proposed type or density of the development or (2) that the subdivision's design or improvements are likely to cause substantial environmental damage or cause public health or safety problems (GC § 66474). These are important considerations for counties who are reviewing subdivision proposals in areas that are subject to wildland fire hazard.

2024 FPPG at 26.

The Town Council agrees. Here, the Project map and design are inconsistent with land use designations and policies of the General Plan. Moreover, as the Guidelines suggest, the site, given its topography and location in a VHFHSZ, is not suitable for use for higher density residential housing and the Project is likely to cause serious public health problems in the event of a wildfire.

Similarly, to approve a major use permit, the County must find that the project is consistent with the General Plan, compliant with CEQA, and that the site is suitable for the proposed type and intensity of use and not "harmful" to the community. Zoning Code Section 7538. Again, these findings cannot be made here.

C. The County Has Failed to Comply With State Fire Requirements.

In light of ever increasing wildfire severity and risk, the state has issued a number of requirements, laws, and guidelines to promote better planning to reduce wildfire hazards for residential developments. The Board should also deny the Project because the County has failed to meet myriad state requirements, including those requiring local jurisdictions to consider wildfire risks in their general planning process. For instance:

- Government Code § 65302(g)(5): requiring updated Safety Elements to identify residential developments within hazard areas that do not have at least two evacuation routes. The County's Safety Element fails to include this analysis, which would certainly include the Project area.

II. Conclusion

As discussed above, the Town Council reiterates the arguments made in past comment letters, including arguments related to res judicata, new information, and recirculation. These arguments still have merit and the Town Council continues to assert their validity. Based on arguments both legal and practical, and in the best interests of the larger community, we ask that the Board of Supervisors vote to deny the applicant's requests and deny the Project.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Tori Gibbons

Encl:

- Attachment 1 – August 2023 Letter re CEQA Review of New Projects
- Attachment 2 – October 2024 RDEIR Comment Letter
- Attachment 3 – July 2025 Supplemental RDEIR Comment Letter
- Attachment 4 – Email correspondence from County to Fire Chief
- Attachment 5 – August 20, 2025 Letter to County Planning Commission
- Attachment 6 – September 24, 2025 Letter from Fire Chief
- Attachment 7 – September 25, 2025 Wildfire Expert Comments on HGVS
- Attachment 8 – January 10, 2025 *The New Yorker* Fire Insurance Article

1966913.2

ATTACHMENT 1

August 29, 2023

Via Electronic Mail

Dahvia Lynch
Mark Slovick
Sarah Aghassi
Land Use & Environment Group
San Diego County
5510 Overland Avenue
San Diego, CA 92123

Re: Harmony Grove Village South Project

Dear Ms. Lynch, Ms. Aghassi, and Mr. Slovick:

On behalf of the Elfin Forest Harmony Grove Town Council (“Council”), we submit these comments with regard to the County’s review of any proposed development on the site of the Harmony Grove Village South (“HGVS”) project. As you are aware, the Fourth District Court of Appeal found that the 2018 HGVS project (“2018 Project”) was inconsistent with the County’s General Plan and that its environmental impact report (“2018 EIR”) failed to comply with the California Environmental Quality Act (“CEQA”). The County was therefore required to set aside its approvals of this project, which it did.

The County now has a chance to start over and demand a better and more sustainable project that complies with long-standing planning for the area. The 111-acre site (“Site”) has major environmental constraints and lies in a very high fire hazard severity zone designated for rural and semi-rural uses. Any proposed development should reflect these limitations. The 2018 HGVS Project did not. A textbook example of sprawl development, the 2018 HGVS Project was inconsistent with long-standing County plans to prioritize affordable housing and infill development, reduce wildfire risks, cut greenhouse gas (GHG) emissions, and protect endangered and threatened species.

The County does not need to rush forward to reapprove a project that was flawed from the beginning. Instead, the County can and should demand a *new* application for a heavily revised project that:

- Minimizes sprawl by complying with the existing General Plan and Community Plan policies
- Ensures compliance with current law, particularly law governing greenhouse gas emissions, wildfire safety, and traffic reduction
- Provides affordable housing
- Protects the Site's sensitive hills and wildlife habitat
- Minimizes destructive grading
- Does not require expansion of water and sewer connections to the Site
- Maintains the area's rural character

The developer, RCS - Harmony Partners, LLC ("RCS"), must change its project to fit the County's existing plans and policies, not the other way around. The Council therefore urges the County to rethink the development of this Site and to require a new plan and new application before beginning the environmental review process. This letter details the history of the project Site, the applicable planning documents and policies to which any new project must adhere, and the correct approach to environmental review for any project resubmittals from RCS.

I. Planning History

A. The Village-Based Development Model in the County General Plan and San Dieguito Community Plan

In 2011, after conducting hundreds of meetings and engaging stakeholders from across the County, the Board of Supervisors adopted the current General Plan. This represented the first update since the Plan's initial adoption in 1978. The document that emerged from this effort took a balanced approach, committing to an "environmentally sustainable approach to planning that balances the need for adequate infrastructure, housing, and economic vitality, while maintaining and preserving each unique

community within the County, agricultural areas, and extensive open space.” General Plan at 1-2.

The County’s primary means of achieving this balance was the General Plan’s adoption of a “Community Development Model.” The General Plan explains:

[I]n the County’s Community Development Model, the central core is surrounded by areas of lesser intensity including “Semi-Rural” and “Rural Lands. . . . The “Village” would contain the densest neighborhoods and a broad range of commercial and civic uses that are supported by a dense network of local roads containing bicycle lanes and walkways linking the neighborhoods with parks, schools, and public areas. Outside of the “Village,” “Semi-Rural” areas would contain low-density residential neighborhoods, small-scale agricultural operations, and rural commercial businesses. In turn, these would be surrounded by “Rural Lands” characterized by very low density residential areas that contain open space, habitat, recreation, agriculture, and other uses associated with rural areas.

General Plan at 2-8. In other words, the General Plan attempts to shift away from a land use development model that encourages dispersal of development across the County, and instead seeks to focus new development into existing villages. *Id.* at 2-7 to 2-9; *see also* General Plan at 2-3 (“Our villages are intended to grow in compact land development patterns to minimize intrusion into agricultural lands and open spaces; the distance that we travel to our local services and businesses; and the need for extensive infrastructure and services; while also inducing community association, activity, and walking.”); *id.* at 3-2 (“Focusing development in and around existing unincorporated communities allows the County to maximize existing infrastructure, provides for efficient service delivery, and strengthens town center areas while preserving the landscape that helps define the unique character of the unincorporated County.”).

The Community Development Model undergirds many of the County’s identified “Guiding Principles.” For example, under Guiding Principle Number 1, the County commits to “support[ing] a reasonable share of projected regional population growth.” *Id.* at 2-6. The General Plan notes that this principle will be implemented by “planning and facilitating in and adjacent to existing and planned villages.” *Id.* at 2-7.

Guiding Principle Number 2 reiterates this point, noting that the County commits to “promot[ing] health and sustainability by locating new growth near existing and planned infrastructure, services, and jobs in a compact pattern of development.” *Id.* at 2-

7. The discussion notes the adverse impacts caused by haphazard, sprawl development, including greater costs for infrastructure development, greater stresses on community services, increased travel time, increased gasoline consumption, air pollution, GHG emissions, and loss of habitat. To reduce these impacts, the Plan commits to “more compact development . . . within existing and planned communities.” *Id.*

Compact development focused around existing and planned communities, and retention of semi-rural and rural lands also supports Guiding Principles Number 5 (“Ensure that development accounts for physical constraints and the natural hazards of the land”) and Guiding Principles Number 7 (“Maintain environmentally sustainable communities and reduce greenhouse gas emissions that contribute to climate change”). *Id.* at 2-11-12. By concentrating new development in existing communities, development is correspondingly limited in the high-risk urban-wildland interface. And compact communities support “reduced automobile use and increased use of public transit, walking, and bicycling.” *Id.* at 2-13.

To implement the Community Development Model, the General Plan places all unincorporated land into one of three regional categories: Village, Semi-Rural, and Rural. These designations were based on an analysis of development constraints, including road access, water/sewer, habitat, and hazards. General Plan at 3-4-6. The Plan permits Village lands to be developed at higher residential densities (i.e., more than 2 dwelling unit per acres), while generally prohibiting these higher densities outside the Village. Development on Semi-Rural and Rural lands is therefore tightly restricted. *See id.* at 3-11, Table LU-1).

This approach was intended to ensure future development patterns of compact development in the villages, surrounded by much lower density rural development. The goals of the Village model were to ensure compact future growth patterns, preserve the County’s rural character, reduce climate change impacts, improve transportation, and better meet the County’s diverse housing needs. The Countywide Regional Categories Map (Figure LU-1 at 3-19) graphically illustrates this vision, with islands of compact development surrounded by a semi-rural and rural backcountry.

The County also adopted the Elfin Forest and Harmony Grove San Dieguito Community Plan (Community Plan or “CP”), which identifies policies and constraints specific to the subarea. The Community Plan aims to preserve the peaceful, rural character of the isolated, hilly areas surrounding Harmony Grove village by ensuring that the “Village development pattern” is “strictly adhered to as the formal development model for the area.” CP at 21. To this end, the Community Plan identified a Village growth boundary for Harmony Grove Village (“HGV”), surrounded by a buffer

of semi-rural and rural lands, many located in Very High Risk Fire Zones. Based on extensive community input, HGV was designed as a complete village with the intent to limit further urbanization in the area and to preserve the community's rural character.

The project Site is designated and zoned for low-density, rural and semi-rural residential and open space uses and is outside of established "village" boundaries designated for higher density and intensity uses.

B. The Approval of the HGVS Project in 2018 on Land Outside Village Boundaries

In 2015, RCS applied to develop the Site with the HGVS Project: a 453-unit subdivision with urban densities and 5,000 square feet of commercial/civic uses outside the Harmony Grove Village boundary, on the slopes of a semi-rural, bowl-shaped, wildfire-ridden valley. In other words, the Project was exactly the type of sprawling urban development that the General and Community Plan prohibited.

The Council and numerous others objected and urged the County to consider alternatives that were consistent with long-term planning for the Site and to fix the flaws in the project's EIR. Yet, rather than adhering to its carefully crafted development model, the Board of Supervisors approved the Project in July 2018—along with two other projects, Valiano and Otay-250.

C. The Litigation and County Action Setting Aside the 2018 Approvals.

The Council, together with Endangered Habitats League, and Cleveland National Forest Foundation ("Petitioners") challenged the County's approval of the 2018 Project and EIR. A separate action was also filed by Sierra Club against the HGVS Project, as well as the Valiano and Otay 250 projects ("Sierra Club action").

The trial court granted Petitioners' request for a writ of mandate, and the appellate court upheld the decision in part, concluding that (1) the EIR's GHG mitigation was flawed, and (2) the approval was inconsistent with affordable housing policy in the County's General Plan.¹

Pursuant to these rulings, in December 2022, the County Board of Supervisors ("Board") rescinded all of its approvals of the 2018 Project, including Ordinance No. 10551, Resolution Nos. 18-108, 18-109, Major Use Permit Major Use

¹ In the Sierra Club action, the appellate court also held that that the GHG mitigation violated CEQA.

Permit PDS2015-MUP-15-008 and Site Plan PDS2018-STP-1011, those portions of Resolution No. 18-114 related to the Harmony Grove Village South Project, and the certification of the final EIR.

II. The County should require submittal of a new project application that is consistent with the applicable planning goals and policies.

A. The Board retains its full legislative discretion to deny any project that is not consistent with existing plans and zoning.

The County now has another opportunity to consider development of this sensitive Site in accordance with its long-standing planning goals. RCS clearly has no vested right to develop the Site at the high densities it previously proposed. *See Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785, 793-94; *accord Toigo v. Town of Ross* (1998) 70 Cal.App.4th 309, 321; *Hafen v. County of Orange* (2005) 128 Cal.App.4th 133, 143 (noting it is “‘beyond question that a landowner has no vested right in existing or anticipated zoning’”) (citation omitted); *Hermosa Beach Stop Oil Coalition v. City of Hermosa Beach* (2001) 86 Cal.App.4th 534, 552 (development rights vest only when “all final discretionary permits have been authorized and significant ‘hard costs’ have been expended in reliance on those permits—that is, until substantial construction has occurred in reliance on a building permit”).

RCS also has no development agreement that would tie the County’s hands. Moreover, any proposal similar to the 2018 Project would be flatly inconsistent with the existing land use designations and dependent on General Plan, Community Plan and zoning amendments; thus it would not be subject to permit streamlining requirements or to the mandates of the Housing Accountability Act. *See Land Waste Management v. Contra Costa County Bd. of Supervisors* (1990) 222 Cal.App.3d 950, 959; Gov. Code, § 65589.5(j) (restrictions on disapproving housing applicable only where a proposed housing development project complies with applicable general plan and zoning standards “in effect at the time that the application was deemed complete”).

In sum, the County retains its full legislative discretion to deny any proposal for the Site that is inconsistent with its long-standing goals and policies. The County should ensure that development of the Site comports with the priorities of the County and its citizens, not of the developer.

B. Any revised project should comply with existing plans and policies.

The Council requests that any new development of the Site be consistent with long-standing County laws and policies.

1. General Plan Land Use Designation and Policies.

California planning law requires that development be consistent with the jurisdiction's general plan. See *Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176, 1184. The Site is designated primarily Semi-Rural Residential (SR-0.5) and zoned for low-density, rural residential, agricultural and open space uses, which allow a *maximum* of 220 units. See FEIR 1-36 (noting this maximum does not take into account environmental constraints); 3.1.5-5, 3.1.5-42-43. Development density is reduced for slopes greater than 25%. See FEIR 3-12.

Any new proposal should be consistent with existing General Plan densities, as well as its controlling policies. These policies require development to be compatible with environmental conditions and constraints such as topography and flooding (Policy LU 1.4); prohibit leapfrog development, or development of village densities located away from established villages or outside established water and sewer service boundaries (Policy LU-1.2); and bar use of established or planned land use patterns in nearby jurisdictions as the primary justification for adjusting land use designations (Policy LU-1.5). See GP at 3-23 to 3-24. The Housing Element Update similarly provides that: "To maintain the semi-rural character and pattern of development in [Semi-Rural and Rural] communities, residential growth is directed away from Rural and remote areas with minimal public services to areas where higher density and a less rural character is consistent with the existing pattern of development and the availability of public services." GP at 6-14.

The 2018 Project was inconsistent with these policies. It proposed to flatten the hilltops and undertake massive grading of the Site's steep slopes (approximately 850,000 cubic yards of cut and fill). FEIR at 1-25. It also proposed high density development outside the village boundary and required annexation into a sewer district to provide wastewater service. FEIR at 3.1.10-3. And, the Project did not maintain the planned pattern of development, but undermined it.

If the applicant is going to renew its pursuit of development at the Site, the County should insist that it be consistent with the general plan and zoning.

2. Elfin Forest and Harmony Grove San Dieguito Community Plan and Zoning

Like the General Plan, the Community Plan's central purpose is to limit village expansions to ensure compact development while maintaining the rural character of the surrounding lands. As part of the General Plan, its policies are legally binding. *See* GP 1-12 ("As integral components of the County of San Diego General Plan, Community Plans have the same weight of law and authority in guiding their physical development.").

In adopting the Community Plan, the County foresaw that developers would want to up-zone properties outside the villages to allow high density development and explicitly restricted their ability to do so. To focus urban growth in existing communities and prevent sprawl, the Community Plan requires that new development use on-site septic systems, which helps maintain the large-lot, rural atmosphere. Policy CM-10.2.1 requires "all proposed new development to use septic systems with one septic system per dwelling unit." CP at 39. This requirement is an essential component of the Community Plan's broader rejection of sprawl development. "Septic systems are the sole and preferred sewage management for Elfin Forest, because they ensure that Elfin Forest— Harmony Grove will remain a rural community." CP at 39.

The Community Plan also forbids the County from approving new developments that will cause urban residences to greatly outnumber rural residences in the community, thereby drowning out rural voices. *See* CP at 27 ("Policy LU-1.1.1: Restrict land uses to single-family rural residences, equestrian or large animal estates, and agricultural uses. Policy LU-1.1.2 Require minimum lot sizes of two acres outside the Village Boundary . . ."), 19 ("Development of these parcels with an urban, clustered or suburban design would threaten the continued existence of the rural residential and equestrian character of Harmony Grove."). High-density development of the Site would irrevocably alter the community's rural atmosphere by introducing urban-style development, with resulting noise, traffic, and other impacts. The nearby Harmony Grove Village Project has already provided urban residences in the greater Harmony Grove area; adding more with the HGVS Project would create an imbalance in favor of urban housing and undermine the intent of the Community Plan.

Proposed development should also comply with existing zoning for the Site—A70 (Limited Agriculture) and RR (Rural Residential)—and with other applicable zoning.

3. Specific Plan and LAFCO Guidelines.

The County's "Specific Plan/Specific Plan Amendment Applicant's Guide" provides that a Specific Plan cannot be approved unless the County finds that it "systematically implements and is consistent with the General Plan and applicable Community or Subregional Plan," is compatible with adjacent development, and is adequately served by public services and facilities. Moreover, any project requiring annexation into a sewer district to obtain sewer service would require approval by the San Diego Local Agency Formation Commission ("LAFCO"). LAFCO's principal goals include "discouraging urban sprawl" and "preserving open-space and prime agricultural land." Gov. Code § 56301. Moreover, LAFCO discourages proposals that would convert prime agricultural or open space lands to other uses, particularly where, as here, there is existing vacant or non-prime agricultural lands within an existing jurisdictional boundary or sphere of influence.

These policies further demonstrate the need to ensure that future development maintains the rural character of the Site, protects its hillsides and habitat, and avoids the need for new extensions of water and sewer service.

4. Affordable Housing Requirements.

General Plan Policy H-1.9 "[r]equire[s] developers to provide an affordable housing component." GP at 6-50. Because the 2018 Project did not contain any affordable housing component², the Court of Appeal found that it failed to conform to General Plan. Opinion at 72 (finding that the "County unreasonably found that the Project, which it acknowledged did not include any affordable housing within the meaning of the General Plan, furthered the General Plan's vision, policies and objectives of providing affordable housing choices in villages"). Any revised application should comply with the General Plan and with the County affordable housing policies. The County is currently contemplating a draft inclusionary ordinance that would place a high premium on General Plan amendment projects that include a significant percentage of affordable housing. Allowing a new version of the HGVS project to move forward with paltry affordable housing numbers will run directly counter to the County's affordable housing efforts, and will harm the citizens of San Diego County who might otherwise benefit from a well-considered project that takes affordability seriously.

² While the General Plan was amended in 2023 to require that all development have an affordable housing component, the prior version also required affordable housing when a GPA was requested.

III. The County must prepare and circulate a new draft EIR.

Where an agency's actions violate CEQA, "it must do the environmental review process over if it wants to approve the project." *Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 690. Accordingly, before approving the 2018 Project or any modification, or adopting a new project, the County must prepare and circulate for public review a revised EIR that complies with CEQA. See, e.g., *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 901 (where EIR inadequate, County must revise EIR, circulate it for public review and comment, and prepare responses to the comments before reapproving same or modified project).

Any revised draft EIR must comply with CEQA's mandatory requirements for public review and participation. These include issuing notices of preparation and completion and filing them with the State Clearinghouse, providing a 45-day comment period, and consulting with public agencies. § 21091; Guidelines §§ 15082-88, 15105. The County must also consider and respond in detail to the public's comments. See § 21091(d) (requiring agency responses to comments on draft EIRs); Guidelines § 15088(c) (requiring "good faith, reasoned analysis" in responses). *Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 Cal.App.4th 256, 266-67 ("recirculation and consideration of public comments" necessary before revised project approval). Any consultants used for the revised analysis should be approved pursuant to existing County CEQA Guidelines.

A. The County should consider a range of alternatives that meet County goals.

Under CEQA, an agency may not approve a proposed project if a feasible alternative exists that would meet a project's objectives and would diminish or avoid its significant environmental impacts. Pub. Res. Code § 21002; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 731. The 2018 EIR considered two main project alternatives: the "General Plan Consistent with Sewer Alternative" and the "Biologically Superior Alternative."

In revising its analysis, the County should take a closer look at these alternatives, and ensure that its project objectives are appropriate for the Site and not unduly narrow. See *North Coast Rivers Alliance v. Kawamura* (2015) 243 Cal.App.4th 647, 669-70 (overly narrow project purpose that causes lead agency to "dismiss[] out of hand" a relevant alternative violates CEQA). The County should also reconsider the "Harmony Commons Alternative" proposed by the Council. This alternative provided

four distinct housing types: (1) communal single-family “row house” Cottage type, and (2) “four-pack” Bungalow/ Harmony Court type; (3) larger lot single-family residential CSP properties; and (4) senior housing, offering a range of size options—from senior living opportunities to smaller condo units—to appeal to a diversity of residents.

B. Any revised EIR must update the GHG analysis.

The Court of Appeal found that the GHG mitigation measures in the 2018 EIR violated CEQA because “they lack objective performance criteria to ensure the effective and actual mitigation of greenhouse gas emissions, and also improperly defer mitigation.” Opinion at 3; *see also id.* at 33 (concluding that “M-GHG-1 and M-GHG-2 provide no reasonable assurance that greenhouse gas reduction will actually occur, and they are thus invalid under CEQA”). Any revised EIR must, of course, fix the flaws in the GHG analysis and mitigation identified by the Court of Appeal and fully comply with current law.

To begin, any revised EIR must first show how a project will conform to current statewide GHG reduction targets and adopt enforceable mitigation to achieve these goals. *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 225-26; *League to Save Lake Tahoe v. County of Placer* (2022) 75 Cal.App.5th 63, 121-22. The State has released new GHG reduction targets since the 2018 EIR was prepared. For example, in November 2022, CARB released a new Scoping Plan. It requires “aggressive reduction of fossil fuels” and “rapidly moving to zero-emission transportation,” and identifies “a technologically feasible and cost-effective path to achieve carbon neutrality by 2045.” And new information from groups like the Intergovernmental Panel on Climate Change and World Meteorological Organization show increasingly dangerous levels of climate change.³ Any revised analysis must also reflect current data and information.

Any revised EIR must analyze the GHG emissions associated with any proposed Project in light of this information. Pursuant to the Court of Appeal’s Decision, the County must also consider feasible and enforceable measures to reduce emissions and evaluate their effectiveness in reducing air pollution and GHG emissions. *See King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 45 Cal.App.5th at 858 (mitigation must be specific and enforceable). Because many GHG-reducing

³ *See, e.g.*,
https://www.ipcc.ch/report/ar6/syr/downloads/report/IPCC_AR6_SYR_SPM.pdf;
https://library.wmo.int/doc_num.php?explnum_id=11352

measures are already required under State law, any EIR must explain applicable law and evaluate how the Project is going beyond the “business as usual” model to *reduce* air pollution and GHG emissions. For example, Appendix D of CARB’s 2022 Scoping Plan includes on-site GHG-reducing design features and mitigation measures, as well as off-site measures. Other feasible measures can be found in the California Air Pollution Control Officers Association 2021 Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity.⁴

C. Any revised EIR must take into account changes since 2018 and provide comprehensive information to the Board and the public about the consequences of development.

Even where a certified EIR is in effect, an agency must revise its analysis to consider new information and changed circumstances. *See* § 21166(b), (c); Guidelines, § 15162(a)(2), (a)(3)(A), (B). Here, of course, the EIR has been decertified. Thus any revised analysis should consider impacts based on *current* laws, plans, and circumstances—including those that have changed since the 2018 HGVS project was analyzed.

The 2018 Project was evaluated under the CEQA statutes and Guidelines which have since been substantially revised. The current CEQA Statute and Guidelines include new and/or revised evaluation criteria that the County is in the process of incorporating into its own published CEQA evaluation criteria. Since the County is required to conduct CEQA review in compliance with current state laws and regulations “in effect when the document is set out for public review,” Guidelines, § 15007(c), any analysis should be conducted after promulgation of the County’s revised evaluation criteria, and not before, in order to ensure the analysis conforms to current state laws and regulations. *See Long Beach Sav. & Loan Assn. v. Long Beach Redevelopment Agency* (1986) 188 Cal.App.3d 249, 261 n. 12 (interpreting “set out for public review” as the date the agency presented the environmental document to the public for review).

For example, in an effort to reduce sprawl and emissions, the CEQA Guidelines now specify that traffic analysis should be based on vehicle miles traveled, rather than levels of service. *See* Guidelines §15064.3. And, in light of new information since 2018 concerning the increasing, and increasingly catastrophic, risk of siting new development in wildfire prone areas, the updated CEQA Guidelines include new and/or

⁴ Available at https://www.airquality.org/ClimateChange/Documents/Final%20Handbook_AB434.pdf

revised evaluation criteria in Appendix G and Guideline Section 15162.(a).⁵ As the California Resources Agency notes, these revisions “clarif[y] that a lead agency should consider not just existing hazards, but the potential for increasing severity of hazards over time. This change is necessary because certain types of hazards are expected to be more severe in the future due to our changing climate. Examples include increased flooding ... and more intense wildfires.” 2018 CEQA Final Statement of Reasons,⁶ p. 39. The Agency also concluded that while wildfire risk already exists in wildland-urban interface areas, “bringing development to those areas makes the risk worse.” *Id.* at 87.

Moreover, in revisiting the project approval process, the County is not limited to correcting the flaws identified by the Court of Appeal. A revised project will require revised environmental analysis and any CEQA document must reflect the County “independent judgment.” § 21082.1; Guidelines § 15090. This is the County’s opportunity to ensure that any revised project actually complies with the County’s laws, policies, and intentions for its citizens. The County should thus ensure that environmental review contains the analysis needed to allow the public and decisionmakers to understand environmental consequences of Site development and fully complies with CEQA. See generally Council’s July 24, 2018 comments on the HGVS FEIR (“FEIR Comments”).

The County should use any revised CEQA analysis as an opportunity to take heed of the State Attorney General’s 2022 guidance paper, Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act, issued October 10, 2022⁷. In the piece the AG lays out the importance and threat to the State posed by wildland fire, and states:

In the last ten years, new legislation passed requiring local jurisdictions to consider wildfire risks in their planning processes. The Governor’s Office of Planning and Research (OPR) recently published comprehensive guidance to help local agencies comply with these requirements.

⁵ These revisions are identified by the California Natural Resources Agency at https://files.resources.ca.gov/ceqa/docs/2018_CEQA_FINAL_TEXT_122818.pdf

⁶ See https://files.resources.ca.gov/ceqa/docs/2018_CEQA_Final_Statement_of%20Reasons_111218.pdf (Full report attached as Exhibit B).

⁷ Available at <https://oag.ca.gov/system/files/attachments/press-docs/2022.10.10%20-%20Wildfire%20Guidance.pdf>

Id. at 5. Adherence to the above referenced OPR guidance will ensure that the County meets the requirements of the new wildfire risk evaluation criteria in conformance with State law. In addition, the County should include an appropriate significance threshold for wildfire hazard based on the CEQA Guidelines (see Guidelines, Appendix G section VIII.h), fully analyzing the Site's inadequate ingress/egress and evacuation risks in the case of a major wildfire, and adopting feasible mitigation to reduce wildfire hazards. See FEIR Comments at 18-24.

Indeed, the circumstances regarding the County's wildfire severity have substantially changed since the original EIR was issued. CalFire has since updated its Fire Severity maps to reflect the increased fire severity risk. As of June 15, 2023, the entire area surrounding the would-be project site is now Very High Fire Severity, whereas previous maps showed moderate (low risk) areas in Harmony Grove Village and Eden Valley.⁸ This has implications for the previous EIR's evacuation analysis, which relied in part on the assumption that Harmony Grove Village would be a safe haven for Harmony Grove Village South residents in case of fire. See, e.g., HGVS DEIR at 3.1.4-22 (concluding that the Project would not increase the "frequency, duration, or size" or wildfires because "the developing HGV project has created a *large lower risk area* . . . [thus] reducing the fire threat at the Project site.") (emphasis added); see generally HGVS FEIR Wildland Fire Evacuation Plan: Harmony Grove Village South Community. The initial EIR relied on those circumstances to support its conclusion that impacts associate with wildland fire hazards would be less than significant. HGVS DEIR at 3.1.4-26. CalFire's new recognition that the Very High Fire Severity designation extends not only to the potential HGVS site, but the entire surrounding area is a substantial change in circumstances that demonstrates a more significant environmental impact than the County previously considered. Pub. Res. Code § 21166(b). Any future CEQA analysis for this Project should include a revised wildfire analysis of these changed circumstances under the revised CEQA Guidelines.

Similarly, any revised draft EIR should include a complete analysis of the consistency of the proposed project and alternatives with existing County plans and LAFCO policies. It should also contain a rigorous analysis of growth-inducing impacts, particularly if the County is considering exempting the Site from the existing prohibitions of the Community Plan, expanding sewer service, upgrading the water supply system for public and reclaim water, improving roads, or waiving any elements of the Resource Protection Ordinance. Such actions would set a precedent for new growth incompatible with the levels analyzed in the General Plan. See FEIR Comments at 24-25.

⁸ See Exhibit A for comparative CalFire fire severity maps.

Any revised CEQA analysis should also include updated surveys and consultations with U.S. Fish and Wildlife Service (“USFWS”) and the California Department of Fish and Wildlife (“CDFW”), and an analysis of consistency with the San Diego North County Multiple Species Conservation Program. In particular it should include updated surveys and mitigation for special status plants like the *Brodiaea filicifolia*, Brewer’s Calandrinia, and wildlife like the Western Spadefoot. And it should follow methodology as prescribed by the Natural Community Conservation Planning (“NCCP”) to properly determine, and mitigate, impacts to native species like the coastal sage scrub.

D. Any revised analysis must consider an updated analysis of cumulative impacts.

Any environmental review must consider the cumulative impacts of all new development that was not contemplated in the General Plan or analyzed in its EIR, as well as past, present or planned approvals by neighboring jurisdictions. These include, for example, Sweetwater Place and Sweetwater Vistas (approved, December 2017); any new or revised proposals for the Valiano and Otay 250 projects; and the Newland Sierra, Warner Ranch; Lilac Hills Ranch; Property Specific Requests GPA; and Harvest Hills. Any revised cumulative impacts analysis must consider whether cumulative development is consistent with the County’s General Plan Village Model and numerous supporting policies to ensure compact development, protect open space, avoid sprawl, minimize fire risks, and provide affordable housing. *See, e.g.*, Goal LU-1; Policies LU-1.2, LU-1.3, LU-2.5, LU-10.3, LU-5.1, LU-5.3, LU-6-10, LU-6-11, S.1-1, and H-1.9.

Moreover, it is not enough to simply identify a list of approved, pending and proposed projects in the County. The most important step is analyzing the combined environmental impacts of the project and past, present, and reasonably foreseeable future projects whose impacts might compound or interrelate with those of the project. *See* Guidelines §§ 15130(a), 15355(b).

For example, if the County approves more intense land uses at odds with the General Plan, this will result in changes in traffic patterns and increases in vehicle miles traveled (VMT) and emissions that must be identified and mitigated. *See Galante Vineyards v. Monterey Peninsula Water Management District* (1997) 60 Cal.App.4th 1109, 1123. The County must therefore analyze how unplanned growth will impact the region’s ability to attain the federal and state pollutant standards. *See also* FEIR Comments at 39-42. Likewise, the cumulative impacts of siting new development in Very High or High Fire Hazard Severity Zones must be addressed, including increased ignition risks, loss of life and property, evacuation risks, loss of critical habitat, and public health

impacts. Other important cumulative issues include transportation-related energy consumption, GHG emissions and consistency with the County General Plan and other countywide plans addressing transportation and plant and wildlife conservation. *See* FEIR Comments at 47- 56.

IV. Conclusion

In sum, the Elfin Forest Harmony Grove Town Council respectfully requests that the County demand a better project for the HGVS Site that comports with long-standing planning for the area and prepare a new EIR for any revised project that fully complies with CEQA. Moreover, any new CEQA process cannot be limited to a reexamination of the portions of the EIR found legally deficient by the Court of Appeal. Because significant new information has become available on many other resource topics, the County must also reevaluate and incorporate new circumstances as well as new research and studies on those impacts that have become available in the last five years.

Very truly yours,

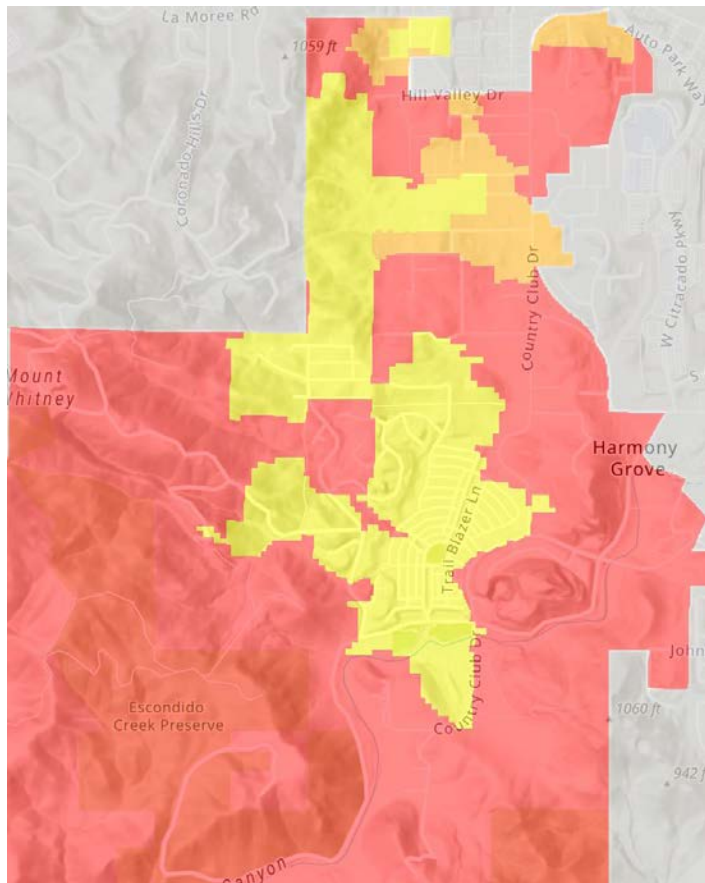
SHUTE, MIHALY & WEINBERGER LLP

A handwritten signature in blue ink, appearing to read 'Winter King', with a stylized flourish at the end.

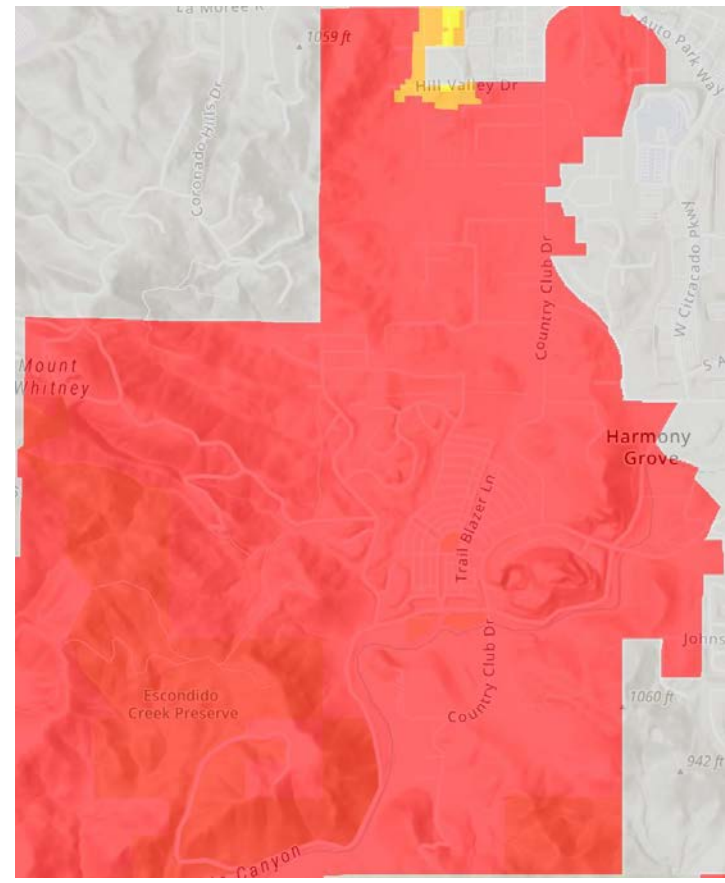
Winter King

cc: (e-mail only):
Dahvia Lynch, Director for LUEG
Mark Slovic, Deputy Director for LUEG
Sarah Aghassi, Deputy CAO and group General Manager for LUEG
Doug Dill, San Dieguito Planning Group
JP Theberge, Elfin Forest Harmony Grove Town Council

EXHIBIT A



2007 CalFire fire severity map showing all of Harmony Grove Village and a portion of Country Club road adjacent to HGVS (northeast of the proposed project site) as “moderate” (yellow).



2023 CalFire fire severity map (updated June 15, 2023) showing that the entire area is now considered a Very High Fire Severity (red), including Harmony Grove Village.

Further CalFire mapping information is available at <https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildfire-preparedness/fire-hazard-severity-zones/>

EXHIBIT B

CALIFORNIA NATURAL RESOURCES AGENCY



FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

AMENDMENTS TO THE STATE CEQA GUIDELINES

OAL NOTICE FILE NO. Z-2018-0116-12

NOVEMBER 2018

Final Statement of Reasons

Update to the Initial Statement of Reasons

The California Natural Resources Agency (the “Natural Resources Agency” or “Agency”) proposes to amend the Guidelines Implementing the California Environmental Quality Act (Pub. Resources Code section 21000, et seq.) (“CEQA Guidelines”). The proposed amendments address legislative changes to the California Environmental Quality Act (CEQA), clarify certain portions of the existing CEQA Guidelines, and update the CEQA Guidelines to be consistent with recent court decisions.

CEQA generally requires public agencies to review the environmental impacts of proposed projects, and, if those impacts may be significant, to consider feasible alternatives and mitigation measures that would substantially reduce significant adverse environmental effects. Section 21083 of the Public Resources Code requires the adoption of guidelines to provide public agencies and members of the public with guidance about the procedures and criteria for implementing CEQA. The guidelines required by section 21083 of the Public Resources Code are promulgated in the California Code of Regulations, title 14, sections 15000-15387, plus appendices. Public agencies, project proponents, and third parties, who wish to enforce the requirements of CEQA, rely on the CEQA Guidelines to provide a comprehensive guide on compliance with CEQA. Subdivision (f) of section 21083 requires the Agency, in consultation with the Office of Planning and Research (“OPR”), to certify, adopt, and amend the CEQA Guidelines at least once every two years.

The Natural Resources Agency has made the following changes to the CEQA Guidelines:

Add sections: 15064.3 and 15234.

Amend sections: 15004, 15051, 15061, 15062, 15063, 15064, 15064.4, 15064.7, 15072, 15075, 15082, 15086, 15087, 15088, 15094, 15107, 15124, 15125, 15126.2, 15126.4, 15152, 15155, 15168, 15182, 15222, 15269, 15301, 15357, 15370, and Appendix G, Appendix M and Appendix N.

The CEQA Guidelines are unique among administrative regulations. They provide a carefully organized, step-by-step guide to the environmental review process. As a result, rather than turning to the statute and case law, many agency staff and planners look to the CEQA Guidelines as a comprehensive source of information regarding CEQA’s requirements.

Background

The last comprehensive update to the CEQA Guidelines occurred in the late 1990s. Since 2011, the Governor’s Office of Planning and Research (“OPR”) and the Natural Resources Agency have informally collected ideas on possible improvements to the CEQA Guidelines. In 2013, OPR and the Agency distributed a formal Solicitation for Input on possible improvements. Specifically, the solicitation asked for suggestions on efficiency improvements, substantive improvements, and technical improvements. Stakeholders offered many ideas. After considering this input, OPR developed a possible list of topics to

address in the update, and again sought and received substantial public input. Based on that input, as well as input received during informal stakeholder meetings, conferences, and other venues, OPR, in consultation with the Agency, developed a Preliminary Discussion Draft of proposed changes to the CEQA Guidelines. As that process proceeded, OPR, again in consultation with the Agency, developed proposed updates related to transportation impacts, as well as a proposed update related to the evaluation of hazards in response to the California Supreme Court's holding in *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal. 4th 369.

In November 2017, OPR finalized the package of updates and transmitted them to the Natural Resources Agency. The Agency then prepared the rulemaking documents required by the Administrative Procedures Act, including a Standardized Regulatory Impact Assessment to evaluate the potential economic impacts of the package.

Anticipated Benefits of the Proposed Regulations

Approximately thirty (30) sections have been identified for adoption or amendment during this rulemaking process. Several of those changes are intended to, both directly and indirectly, reduce greenhouse gas emissions and better enable communities to respond to the effects of climate change. Additionally, several changes should help agencies accommodate more homes and jobs within California's existing urban areas. Doing so should help people find homes and get to where they need to go more quickly and affordably while also preserving California's natural resources. Finally, many of the changes are intended to make the CEQA process easier to navigate by, among other things, improving exemptions, making existing environmental documents easier to rely on for later projects, and clarifying rules governing the CEQA process.

Regarding the change related to transportation impacts, the Agency's Statement of Regulatory Impact Assessment identified numerous potential direct and indirect benefits of reducing vehicle miles traveled. Realization of those benefits will depend on the degree to which, pursuant to this CEQA Guidelines update, lead agencies use the streamlined approaches for analysis of low-VMT projects, mitigate high-VMT projects, or choose lower VMT project alternatives.¹ Some of the benefits, among many others, that may result from reducing vehicle miles traveled are described qualitatively below:

- *Better health and avoided health care costs.* Higher vehicle miles traveled is associated with more auto collisions, more air pollution, more greenhouse gas emissions, less active transportation, and less transit use. If California achieves its goals of doubling walking and tripling biking (Caltrans Strategic Management Plan), 2,095 annual deaths will be avoided. Increasing active transit modes would help reduce air pollution and greenhouse gas emissions. Estimates of the annual monetized value of prevented deaths and disabilities in California resulting from achieving those targets ranges from \$1 billion to \$15.5 billion.²

¹ Lead agencies determine whether any particular mitigation measure is feasible in the context of the project under review. (See, e.g., CEQA Guidelines § 15091.) Further, CEQA allows a lead agency to approve a project that has significant environmental impacts so long as it finds that the benefits of the project outweigh those impacts. (*Id.* at § 15093.)

² Maizlish N. *Increasing Walking, Cycling, and Transit: Improving Californians' Health, Saving Costs, and Reducing Greenhouse Gases. Final Report.* California Department of Public Health (CDPH), 2016.

- *Reduction in transportation, building energy, and water costs.* Less vehicle travel reduces vehicle fuel (or electricity), maintenance, parking, and in some cases vehicle ownership costs. Transportation costs are typically the second greatest category of household expenditure after housing itself ([Bureau of Labor Statistics, Consumer Expenditures](#)). Compact development, which is associated with lower vehicle miles traveled, tends to consume less building energy and irrigation water, leading to savings to residents and businesses. Busch et al., 2015 estimated that if 85 percent of new housing and jobs added in the state until 2030 were located within existing urban boundaries, it would reduce per capita vehicle miles traveled by about 12 percent below 2014 levels.³ That combination of reduced vehicle miles traveled and more compact development would, in turn, result in an estimated \$250 billion in household cost savings cumulative to 2030 (with an average annual savings per household in 2030 of \$2,000). Household costs analyzed in the Busch, et al. study included auto fuel, ownership and maintenance costs, as well as residential energy and water costs.
- *Reduction in travel times to destinations.* Reducing vehicle miles traveled reduces congestion regionally, decreasing travel times, and may also encourage more investment in multi-modal infrastructure. Even if there is localized congestion, due to increased density of development, travel times decrease because of better proximity (Mondschein, 2015).⁴
- *Cleaner water.* Motor vehicle travel can cause deposition of pollutants onto roadways, which can then be carried by stormwater runoff into waterways. Fuel, oil, and other liquids used in motor vehicles can leak from vehicles onto the ground (Delucchi, 2000). Brake dust and tire wear can further cause particles to be deposited onto the ground (Thorpe and Harrison, 2008). Brake pads and tire compounds are made out of compounds that include metal. Further, motor vehicles require roadways for travel. Paved roadways are impervious surfaces which prevent infiltration of storm water in the ground. Impervious surfaces can increase the rate, volume, and speed, and temperature of stormwater runoff (US Environmental Protection Agency, 2003). Wearing down of roadways can further cause particles to be deposited onto the ground (Thorpe and Harrison, 2008). The Victoria Transportation Policy Institute (2015) estimates that in total that motor vehicle contributions to water pollution cost approximately 42 billion dollars per year or 1.4 cents per mile.

The Agency also expects more sustainable development decisions to result from the clarified sections addressing water supply, energy, wildfire, greenhouse gas emissions, as well as the clarified exemptions for transit oriented developments and upgrades to existing facilities. Other benefits of the remainder of the CEQA Guidelines update are expected to include greater certainty for both public agencies and private applicants, as well as time and cost savings due to clearer rules.

<https://www.cdph.ca.gov/programs/Documents/IncreasingWalkingCyclingTransitFinalReport2016rev2017-01-28.pdf>

³ Busch C., et al., *Moving California Forward, How Smart Growth Can Help California Reach Its 2030 Climate Target While Creating Economic and Environmental Co-Benefits*, Nov. 2015, at p. 26.

⁴ Mondschein A. *Congested Development: A Study of Traffic Delays, Access, and Economic Activity in Metropolitan Los Angeles*, Institute of Transportation Studies, UCLA Luskin School of Public Affairs, Sept. 2105.

What is in this Package?

This rulemaking package contains changes or additions involving nearly thirty different sections of the Guidelines addressing nearly every step of the environmental review process. It is a balanced package that is intended to make the process easier and quicker to implement, and better protect natural and fiscal resources consistent with California's environmental policies.

Efficiency Improvements

The package includes several changes intended to result in a smoother, more predictable process for agencies, project applicants and the public.

First, the package promotes use of existing regulatory standards in the CEQA process. Using standards as "thresholds of significance" creates a predictable starting point for environmental analysis, and allows agencies to rely on the expertise of the regulatory body, without foreclosing consideration of possible project-specific effects.

Second, the package updates the environmental checklist that most agencies use to conduct their environmental review. Redundant questions in the existing checklist are proposed to be eliminated and some questions would be updated to address contemporary topics. The checklist has also been updated with new questions related to transportation and wildfire, pursuant to Senate Bill 743 (Steinberg, 2013), and Senate Bill 1241 (Kehoe, 2012), respectively.

Third, the package includes several changes to make existing programmatic environmental review easier to use for later projects. Specifically, it clarifies the rules on tiering, and provides additional guidance on when a later project may be considered within the scope of a program EIR.

Fourth, the package enhances several exemptions. For example, consistent with Senate Bill 743 (Steinberg, 2013), it updates an existing exemption for projects implementing a specific plan to include not just residential, but also commercial and mixed-use projects near transit. It also clarifies the rules on the exemption for changes to existing facilities so that vacant buildings can more easily be redeveloped. Changes to that same exemption will also promote pedestrian, bicycle and streetscape improvements within an existing right of way.

Finally, the package includes a new section to assist agencies in complying with CEQA following resolution of a court challenge, and help the public and project proponents understand the effect of the remand on project implementation.

Substantive Improvements

The package also contains substantive improvements related to environmental protection.

First, the package provides guidance regarding energy impacts analysis. Specifically, it requires an EIR to include an analysis of a project's energy impacts that addresses not just building design, but also transportation, equipment use, location, and other relevant factors.

Second, the package includes guidance on the analysis of water supply impacts. The guidance is built on the holding in the California Supreme Court decision in *Vineyard Area Citizens for Responsible Growth v.*

City of Rancho Cordova (2007) 40 Cal. 4th 412. It requires analysis of a proposed project's possible sources of water supply over the life of the project and the environmental impacts of supplying that water to the project. The analysis must consider any uncertainties in supply, as well as potential alternatives.

Third, as directed in Senate Bill 743, the package includes a new section addressing the evaluation of transportation impacts. The current emphasis on traffic congestion in transportation analyses tends to promote increased vehicle use. This new guidance instead focuses on a project's effect on vehicle miles traveled, which should promote project designs that reduce reliance on automobile travel.

Fourth, the package updates the guideline addressing greenhouse gas emissions to reflect recent case law. Among other changes, the Agency clarifies that a project's incremental contribution to the impacts of climate change should not be compared to state, national or global emissions to determine whether the project's emissions are cumulatively considerable. The changes also clarify that, if relying on consistency with state goals and policies to determine significance, the lead agency should explain how the project's emissions are consistent with those goals.

Technical Improvements

The package also includes many technical changes to conform to recent cases and statutory changes. For example, one of the changes clarifies when agencies must consider the effects of locating projects in hazardous locations, in response to the California Supreme Court's ruling in *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal. 4th 369. Others clarify when it may be appropriate to use projected future conditions as the environmental baseline. Another change addresses when agencies may defer specific details of mitigation measures until after project approval. The package also includes a set of changes related to the duty of lead agencies to provide detailed responses to comments on a project. The changes clarify that a general response may be appropriate when a comment submits voluminous data and information without explaining its relevance to the project. Other changes address a range of topics such as selecting the lead agency, posting notices with county clerks, clarifying the definition of "discretionary," and others. Detailed Description of Proposed Changes

The specific changes proposed in this package are described in detail below in the order in which they would appear in the CEQA Guidelines.

15004. TIME OF PREPARATION

Specific Purposes of the Amendment

CEQA Guidelines section 15004 states the requirement that environmental impact reports (EIRs) and Negative Declarations be prepared before an agency makes a decision on the project and early enough to help influence the project's plans or design.

In *Save Tara v. City of West Hollywood* ("Save Tara") (2008) 45 Cal.4th 116, the California Supreme Court addressed the issue of when CEQA applies to certain activities that precede project approval. The court declined to set forth a bright-line rule. Instead, the court concluded

that several factors are relevant to the determination of when CEQA review must be completed. The purpose of the addition of subdivision (b)(4) is to assist lead agencies in applying the principles identified by the California Supreme Court in the *Save Tara* decision. The first sentence of subdivision (b)(4) acknowledges that pre-approval agreements may fall on a spectrum between mere interest in a project and a commitment to a definite course of action. That sentence also reflects the Supreme Court's holding that circumstances surrounding the activity are relevant to the determination of whether an agency has, as a practical matter, committed to a project. The second sentence provides an example of what could likely not precede CEQA review, such as an agreement that vests development rights. The third sentence, on the other hand, provides examples of characteristics of agreements that may be executed prior to CEQA review. These include agreements that do not foreclose any mitigation measures or project alternative and that are conditioned on completion of CEQA review.

Necessity

The proposed addition of (b)(4) of CEQA Guidelines section 15004 is reasonably necessary to reflect the California Supreme Court's decision in *Save Tara*. The additional language will ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Natural Resources Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with case law that has interpreted CEQA, and the proposed action adds no new substantive requirements. The Natural Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses, as any impacts are due to the California Supreme Court's determination in *Save Tara*.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing case law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15051. CRITERIA FOR IDENTIFYING THE LEAD AGENCY

Specific Purposes of the Amendment

This CEQA Guidelines section provides criteria for identifying the Lead Agency when a project may require approval by more than one public agency under CEQA. Public Resources Code section 21067 defines “lead agency” as “the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment.” Similarly, the CEQA Guidelines define the lead agency as “the public agency which has the principal responsibility for carrying out or approving a project.... Criteria for determining which agency will be the lead agency for a project is contained in section 15051.” (CEQA Guidelines, § 15367.) CEQA Guidelines section 15051, subdivisions (a) and (b), explain which entity will act as lead agency under usual circumstances, and subdivisions (c) and (d) address circumstances when more than one agency could potentially be lead.

CEQA Guidelines, section 15051, subdivision (c), states that, “[w]here more than one public agency equally meet the criteria in subdivision (b), the agency which will act first on the project in question shall be the lead agency.” However, subdivision (d) states that “[w]here the provisions of subdivisions (a), (b), and (c) leave two or more public agencies with a substantial claim to be the lead agency, the public agencies may by agreement designate an agency as the lead agency....” As these sections are currently written, where two public agencies equally meet the criteria for lead agency, the agency which will act first must be the lead under subdivision (c), which effectually renders subdivision (d) inapplicable other than with respect to subdivision (a). The existing language, if read literally, would prevent two potential lead agencies which meet the criteria in subdivision (b), each with a substantial claim to be the lead, from agreeing to designate one as the lead unless both happen to act at the exact same moment on the project.

The purpose of the amendment is to increase the flexibility in the determination of a lead agency by changing the word “shall” to “will normally” to clarify that where more than one public agency meets the criteria in subdivision (b), the agencies may agree pursuant to subdivision (d) to designate one entity as the lead.

Necessity

The proposed changes are reasonably necessary to provide clarity and to ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency’s Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose

for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Natural Resources Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be internally consistent, and the proposed action adds no new substantive requirements. The Natural Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law and makes this CEQA Guideline internally consistent. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15061. REVIEW OF EXEMPTION

Specific Purposes of the Amendment

CEQA Guidelines section 15061 describes when a project or activity is exempt from CEQA. The Natural Resources Agency proposes to amend subdivision (b)(3) of Section 15061. Currently, subdivision (b)(3) states that an activity is covered by the "general rule" that an activity is exempt from CEQA if there is no possibility that activity may have a significant effect on the environment. The Natural Resources Agency proposes to replace the phrase "general rule" with the phrase "common sense exemption" in order to match the language used by the California Supreme Court when evaluating the application of this CEQA exemption. (See, *Muzzy Ranch Co. v. Solano County Airport Land Use Com.* (2007) 41 Cal. 4th 372, 389 (using the phrase "common sense exemption" to apply Section 15061).)

Necessity

This clarification is needed to match practitioners' customary use of the term "common sense exemption" and to prevent possible confusion for others who see or hear references to the term but cannot find it in the text of the CEQA Guidelines. Additionally, the proposed change is reasonably necessary to provide clarity and to ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected

private persons than, the proposed action. This conclusion is based on the Natural Resources Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with case law that has interpreted CEQA, and the proposed action adds no new substantive requirements. The Natural Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing case law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15062. NOTICE OF EXEMPTION **Specific Purposes of the Amendment**

This section prescribes the use and content of the Notice of Exemption. Agencies are authorized but, in most cases, not required to file this notice. The regulation spells out minimum contents so that people can recognize whether a particular notice applies to the project with which they are concerned. The section notes that the effect of filing the notice is to start a short statute of limitations period. If the notice is not filed, a longer period would apply. Failure to comply with all of the requirements for filing notices of exemption results in the longer, 180-day, statute of limitations.

Pursuant to Assembly Bill 320 (Hill, 2011), the Natural Resources Agency added a new subdivision (a)(6) to Section 15062 of the CEQA Guidelines. AB 320 amended Public Resource Code, sections 21108 and 21152 requiring certain information to be included in the Notice of Exemption consistent with CEQA Guidelines section 21065, subdivisions (b) and (c). Specifically, AB 320 requires the Notice of Exemption to include the identity of the person undertaking an activity, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies or the identity of the person receiving a lease, permit, license, certificate, or other entitlement for use. Thus, the Natural Resources Agency added subdivision (a)(6) to section 15062 of the CEQA Guidelines to provide consistency with Public Resources Code, section 21108 and 21152.

Necessity

This addition is necessary to implement the requirements of AB 320 (Hill, 2011) and to be consistent with Public Resources code, sections 21108 and 21152.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Natural Resources Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with Sections 21108 and 21152 of the Public Resources Code, and the proposed action adds no new substantive requirements per se. Rather, additional information regarding the project applicant must be included in the forms filed by public agencies. The Natural Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15063. INITIAL STUDY

Specific Purposes of the Amendment

The purpose of this section is to describe the process, contents, and use of the Initial Study. The Natural Resources Agency proposes to add a new subsection (4) to Section 15063, subdivision (a), to specify the arrangements a lead agency may use to prepare an initial study. The Public Resources Code states that a public agency may prepare a draft environmental impact report or negative declaration directly or under contract to that public agency. (Pub. Resources Code, § 21082.1.) Section 15084 of the CEQA Guidelines implements the Public Resources Code by allowing lead agencies to prepare a draft environmental impact report directly or under contract. (See CEQA Guidelines, § 15084 subd. (d).) The CEQA Guidelines do not currently, however, contain a parallel provision for negative declarations or mitigated declarations.

A draft or mitigated negative declaration must include a copy of an initial study. (See CEQA Guidelines, § 15071, subd. (d) (stating that a negative declaration circulated for public review must include a copy of the initial study).) Therefore, the Natural Resources Agency proposes to add the new subsection to Section 15063, subdivision (a) to match the methods and arrangement used to prepare a draft environmental impact report and increase consistency in report preparation.

Necessity

This addition is necessary to provide consistent guidance for lead agencies preparing environmental documents.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Natural Resources Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be internally consistent, and the proposed action adds no new substantive requirements. The Natural Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing case law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15064. DETERMINING THE SIGNIFICANCE OF THE ENVIRONMENTAL EFFECTS CAUSED BY A PROJECT

Specific Purposes of the Amendment

A key step in the environmental review process is to determine whether a project may cause a significant effect on the environment. Section 15064 of the CEQA Guidelines provides general criteria to guide agencies in determining the significance of environmental effects of their projects as required by section 21083 of the Public Resources Code. The Natural Resources Agency updated CEQA Guidelines Section 15064 to expressly clarify that agencies may rely on standards adopted for environmental protection as thresholds of significance. Specifically, the Natural Resources Agency added subdivision (b)(2) to Section 15064.

The first sentence of subdivision (b)(2) states the rule, set forth in cases interpreting CEQA, that thresholds of significance may be used in the determination of significance. (See *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98 111; see also *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4th 1099, 1111.) Importantly, this new sentence also provides a cross-reference to CEQA Guidelines, Section 15064.7, which defines a threshold of significance.

The second sentence of this new subdivision provides that an agency that relies on a threshold of significance should explain how application of the threshold indicates a less than significant effect. This sentence recognizes the court's caution in *Protect the Historic Amador Waterways* that "thresholds cannot be used to determine automatically whether a given effect will or will not be significant." (*Protect the Historic Amador Waterways, supra*, 116 Cal. App. 4th at pp. 1108-1109.) This sentence is also consistent with several other provisions in the Guidelines. (See, e.g., CEQA Guidelines § 15064(h)(3) ("When relying on a plan, regulation or program [to evaluate cumulative impacts], the lead agency should explain how implementing the particular requirements in the plan, regulation or program ensure that the project's incremental contribution to the cumulative effect is not cumulatively considerable"); § 15063, subd. (d)(3) (initial study must include sufficient information to support its conclusions).) Notably, the explanation need not be lengthy. CEQA Guidelines Section 15128 provides the explanation that an impact is determined to be less than significant, and therefore was not analyzed in an EIR, need only be brief.

Finally, the third sentence of this new subdivision cautions that a lead agency must evaluate any substantial evidence supporting a fair argument that, despite compliance with thresholds, the project's impacts are nevertheless significant. (*Protect the Historic Amador Waterways, supra*, 116 Cal. App. 4th at pp. 1108-1109 ("thresholds cannot be used to determine automatically whether a given effect will or will not be significant[;]" rather, "thresholds of significance can be used only as a measure of whether a certain environmental effect 'will normally be determined to be significant' or 'normally will be determined to be less than significant' by the agency"); see also *CBE, supra*, 103 Cal.App.4th at 112-113.)

This sentence does not alter the standard of review. Thus, in the context of an environmental impact report, a lead agency may weigh the evidence before it to reach a conclusion regarding the significance of a project's effects. This added sentence clarifies, however, that a project's compliance with a threshold does not excuse an agency of its obligation to consider the information presented to it regarding a project's impacts. (*Rominger v. County of Colusa* (2014) 229 Cal. App. 4th 690, 717.) In other words, thresholds shall not be applied in a rote manner; analysis and evaluation of the evidence is still required. In this regard, this sentence is similar to a lead agency's requirement to review and consider comments submitted on its environmental documents. (CEQA Guidelines, §§ 15074, subd. (b), 15088.)

Necessity

The change is necessary to clarify a lead agency's obligation to determine the significance of a proposed project and what evidence it must consider in reaching that conclusion. The Natural Resources Agency's revision will clarify that compliance with relevant standards may be a basis for determining that the project's impacts are less than significant.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Natural Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Natural Resources Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be internally consistent, and the proposed action adds no new substantive requirements. The Natural Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. The proposed action also does not alter the applicable standard of review. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15064.3. DETERMINING THE SIGNIFICANCE OF TRANSPORTATION IMPACTS

Californians drive approximately 332 billion vehicle miles each year. Traffic studies used in CEQA documents have typically focused on one thing: the impact of projects on traffic flows. Senate Bill 743 (2013) required OPR and the Natural Resources Agency to develop alternative methods of measuring transportation impacts under CEQA. At a minimum, the new methods must apply within areas that are served by transit; however, the Guidelines may extend the new methods statewide. Once the Agency adopts the new transportation guideline, automobile delay (often called Level of Service) will no longer be considered to be an environmental impact under CEQA.

Explanation of Proposed New Section 15064.3

New section 15064.3 contains several subdivisions, which are described below. In brief, these Guidelines provide that transportation impacts of projects are, in general, best measured by evaluating the project's vehicle miles traveled. Methodologies for evaluating such impacts are already in use for most land use projects, as well as many transit and active transportation projects. Methods for evaluating vehicle miles traveled for highway capacity projects continue to evolve, however, and so these Guidelines recognize a lead agency's discretion to analyze such projects, provided such analysis is consistent with CEQA and applicable planning requirements.

Subdivision (a): Purpose

Subdivision (a) sets forth the purpose of the entire new section 15064.3. First, the subdivision clarifies that the primary consideration, in an environmental analysis, regarding transportation is the amount

and distance that a project might cause people to drive. This captures two measures of transportation impacts: auto trips generated and vehicle miles traveled. These factors were identified by the legislature in SB 743. The last sentence clarifies that automobile delay is not a significant effect on the environment.

Subdivision (b): Criteria for Analyzing Transportation Impacts

While subdivision (a) sets forth general principles related to transportation analysis, subdivision (b) focuses on specific criteria for determining the significance of transportation impacts. It is further divided into four subdivisions: (1) land use projects, (2) transportation projects, (3) qualitative analysis, and (4) methodology.

Subdivision (b)(1): Land Use Projects

SB 743 did not authorize the Agency to set thresholds, but it did direct OPR and the Agency to develop Guidelines “for determining the significance of transportation impacts of projects[.]” (Pub. Resources Code § 21099(b)(2).) Therefore, to provide guidance on determining the significance of impacts, subdivision (b)(1) describes factors that might indicate whether the amount of a project’s vehicle miles traveled may be significant, or not.

Subdivision (b)(2): Transportation Projects

While subdivision (b)(1) addresses vehicle miles traveled associated with land use projects, subdivision (b)(2) focuses on impacts that result from certain transportation projects. Subdivision (b)(2) clarifies that lead agencies should presume that projects that reduce vehicle miles traveled, such as pedestrian, bicycle and transit projects, will have a less than significant impact. This subdivision further provides that lead agencies have discretion in which measure to use to evaluate highway capacity projects, provided that any such analysis is consistent with the requirements of CEQA and any other applicable requirements (e.g., local planning rules). Importantly, this provision does not prohibit capacity expansion. It also does not relieve agencies of the requirement to analyze any other potential impacts of such projects, including, but not limited to, greenhouse gas emissions and other air pollutants. Finally, recognizing that highway capacity projects may be analyzed at a programmatic level, subdivision (b)(2) states that lead agencies may be able to tier from a programmatic analysis that adequately addresses the effects of such capacity projects.

Subdivision (b)(4): Methodology

Lead agencies have the discretion to choose the most appropriate methodology to analyze a project’s vehicle miles traveled. Depending on the project, vehicle miles traveled may be best measured on a per person, per household or other similar unit of measurement. Subdivision (b)(4) also recognizes the role for both models and professional judgment in estimating vehicle miles traveled.

Subdivision (c): Applicability

The new procedures may be used immediately upon the effective date of these Guidelines by lead agencies that are ready to begin evaluating vehicle miles traveled, but jurisdictions will have until 2020 to start analyzing vehicle miles traveled if they need that time to update their procedures. In that case, those agencies would continue to evaluate transportation impacts by measuring congestion.

Necessity

The proposed addition of CEQA Guidelines section 15064.3 is reasonably necessary to implement the direction in Public Resources Code 21099 that the CEQA Guidelines provide for a new methodology for analyzing transportation impacts of projects. The language of this section of the CEQA Guidelines follows the direction of the Legislature and ensures that that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Natural Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered and rejected two alternatives to the proposed action. Under Alternative 1, the change from level of service to vehicle miles traveled would apply only to proposed projects within "transit priority areas." This is the minimum scope of what Senate Bill 743 requires. Proposed projects outside of transit priority areas would continue to prepare traffic analyses using level of service, or other measures of congestion.

The Agency rejected Alternative 1 for several reasons. First, this alternative would forgo substantial cost and time savings that are expected to result from studying vehicle miles traveled instead of congestion. Second, this alternative would be more likely to cause confusion and increase litigation risk. Greater uncertainty would result because this alternative would require two different types of analyses to be conducted, depending on location. Third, research indicates that a transportation analysis focused on vehicle miles traveled may result in numerous indirect benefits to individuals including improved health; savings on outlay for fuel, energy, and water; reduction of time spent in transport to destinations. Finally, this alternative would be less likely to achieve the purposes of SB 743. That legislation requires the updated CEQA Guidelines "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." As explained in the Office of Planning and Research's Preliminary Evaluation of Alternative Methods of Transportation Analysis, as a metric, vehicle miles traveled promotes those statutory purposes better than level of service.

Under Alternative 2, the analysis of vehicle miles traveled would apply to land use projects only and not to transportation projects. In other words, under this alternative, congestion analysis would continue to apply to roadway, transit, bicycle and pedestrian projects reviewed under CEQA.

The Agency rejected Alternative 2 because it would forgo the cost and time benefits described above for transit, bicycle and pedestrian projects. Those types of projects in particular are more likely to provide healthier, lower cost, more equitable transportation options. They are also a key strategy to reducing

greenhouse gas emissions. As a result, this alternative would be less likely to achieve the purposes of Senate Bill 743, requiring the CEQA Guidelines update to “promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.”

The Action Will Not Have a Significant Adverse Economic Impact on Business

The Agency has determined that the proposed action will not have a significant adverse economic impact on businesses, and instead, would lead to an overall economic benefit. Project proponents, including businesses, would experience time and cost savings related to document preparation largely because, with the changes required by SB 743, traffic studies would be less complicated and CEQA analysis may be streamlined, depending on the project’s proximity to transit. Private consulting businesses that prepare environmental documents may generate less revenue for preparing less expensive studies, but their receipts would vary based on project-specific factors, including project complexity and location.

15064.4 DETERMINING THE SIGNIFICANCE OF IMPACTS FROM GREENHOUSE GAS EMISSIONS

Specific Purposes of Amendment

The Agency has amended several portions of existing section 15064.4, as described below. The Agency added section 15064.4 to the CEQA Guidelines in 2010 as part of a package of amendments addressing greenhouse gas emissions, as directed by Senate Bill 97 (Dutton, 2007). The purpose of section 15064.4 is to assist lead agencies in determining the significance of a project’s greenhouse gas emissions on the environment.

Subdivision (a)

The first change is in subdivision (a) of section 15064.4. Subdivision (a) currently states that lead agencies “should” make a good faith effort to estimate or describe a project’s greenhouse gas emissions. The Agency replaced the word “should” with the word “shall” to clarify that evaluation of a project’s greenhouse gas emissions is a requirement of CEQA. (See Pub. Resources Code, § 21083.05; *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 90-91 [“climate-change impacts are significant environmental impacts requiring analysis under CEQA”]; *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497 (SANDAG); see also CEQA Guidelines, § 15005 [defining the terms “should” and “shall”].) This clarification is necessary because some agencies continue to provide information regarding climate change in their projects’ environmental documents without actually determining whether the project’s greenhouse gas emissions are significant. A similar clarifying change has been made in subdivision (b), replacing the word “assessing” with the word “determining.” CEQA requires a lead agency to determine the significance of all environmental impacts. (Pub. Resources Code, § 21082.2; CEQA Guidelines, § 15064.)

Subdivision (b)

The Agency updated subdivision (b) of section 15064.4 by adding four sentences. That subdivision currently provides a list of factors that a lead agency should use when evaluating a project's greenhouse gas emissions. First, the Agency added a sentence clarifying that the focus of the lead agency's analysis should be on the project's effect on climate change. This clarification is necessary to avoid an incorrect focus on the quantity of emissions, and in particular how that quantity of emissions compares to statewide or global emissions. (See, e.g., *Friends of Oroville v. City of Oroville* (2013) 219 Cal.App.4th 832, 842 [invalidating an EIR that based its significance determination partly on comparing the project's emissions to statewide emissions]; *Center for Biological Diversity v. Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204, 228 [invalidating an EIR because the lead agency did not provide sufficient evidence that "the Scoping Plan's statewide measure of emissions reduction can also serve as the criterion for an individual land use project"]; see also *Mission Bay Alliance v. Office of Community Investment & Infrastructure* (2016) 6 Cal.App.5th 160-198-200 [upholding agency's greenhouse gas analysis that did not quantify emissions].) The Agency further clarified that lead agencies should consider the reasonably foreseeable incremental contribution of the project's emissions to the effects of climate change. In doing that analysis, agencies should avoid in speculation. (CEQA Guidelines, §§ 15144 ["an agency must use its best efforts to find out and disclose all that it reasonably can"], 15145 ["[i]f, after a thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact"].)

In the second sentence of subdivision (b), the Agency clarified that a project's incremental contribution may be cumulatively considerable even if it appears relatively small compared to statewide, national or global emissions. This change is consistent with existing case law discussing cumulative impacts and the applicable portions of the Public Resources Code. The impacts analysis of greenhouse gas emissions is global in nature; "the fact that carbon dioxide and other greenhouse gases, once released into the atmosphere, are not contained in the local area of their emission means that the impacts to be evaluated are also global rather than local." (*Center for Biological Diversity v. Dept. of Fish & Wildlife*, *supra*, 62 Cal.4th at p. 220; *SANDAG*, *supra*, 3 Cal.5th at p. 512.) "[A]n individual project's emissions will most likely not have any appreciable impact on the global problem by themselves, but they will contribute to the significant cumulative impact caused by greenhouse gas emissions from other sources around the globe." (*Center for Biological Diversity v. Dept. of Fish & Wildlife*, *supra*, 62 Cal.4th at p. 219; *SANDAG*, *supra*, 3 Cal.5th at p. 512.) Thus, the primary question to be answered in the impacts analysis is "whether the project's incremental addition of greenhouse gases is 'cumulatively considerable' in light of the global problem, and thus significant." (*Ibid.*) Depending on the proposed project, the project's incremental contribution of greenhouse gases, even if minor, may be cumulatively considerable. (See *SANDAG*, *supra*, 3 Cal.5th at p. 515 ["The fact that a regional plan's contribution to reducing greenhouse gas emissions is likely to be small on a statewide level is not necessarily a basis for concluding that its impact will be insignificant in the context of a statewide goal."].)

In the third sentence of subdivision (b), the Agency added that lead agencies should consider a timeframe for the analysis that is appropriate for the project. CEQA requires agencies to consider a project's direct and indirect significant impacts on the environment, "giving due consideration to both the short-term and long-term effects." (CEQA Guidelines, § 15126.2, subd. (a); see Pub. Resources Code,

§ 21001, subd. (d) [state policy “[e]nsure[s] that the long-term protection of the environment . . . shall be the guiding criterion in public decisions”]; § 21001, subd. (g) [state policy requires “governmental agencies at all levels to consider . . . long-term benefits and costs, in addition to short-term benefits and costs . . .”]; § 21083 [requiring preparation of an EIR for a project that “has the potential to . . . achieve short-term, to the disadvantage of long-term, environmental goals”].) In some cases, it would be appropriate for agencies to consider a project’s long-term greenhouse gas impacts, such as for projects with long time horizons for implementation.

In the fourth sentence of subdivision (b), the Agency clarified that an agency’s analysis must reasonably reflect evolving scientific knowledge and state regulatory schemes. This clarification acknowledges *SANDAG, supra*, 3 Cal.5th 497. In that case, the California Supreme Court addressed the adequacy of an EIR prepared for a long-range regional transportation plan. In addressing the plan’s greenhouse gas emissions, the Court held the lead agency did not abuse its discretion by declining to analyze the consistency of projected long-term greenhouse gas emissions with the goals of an executive order declaring an emissions reduction goals for 2050. But the Court further stated: “we do not hold that the analysis of greenhouse gas impacts employed by SANDAG in this case will necessarily be sufficient going forward. CEQA requires public agencies like SANDAG to ensure that such analysis stay in step with evolving scientific knowledge and state regulatory schemes.” (*Id.* at p. 504; *see id.* at p. 519.)

The agency also changed subdivision (b)(3) of section 15064.4. That subdivision currently discusses the consideration of whether a project complies with a plan or regulation to reduce greenhouse gas emissions. The Agency clarified the first sentence of subdivision (b)(3) by adding a reference to CEQA Guidelines section 15183.5, which governs the contents of an agency’s plan for the reduction of greenhouse gas emissions. This addition is needed to clarify that lead agencies may rely on plans prepared pursuant to section 15183.5 in evaluating a project’s greenhouse gas emissions. This change is consistent with the Agency’s Final Statement of Reasons for the addition of section 15064.4, which states that “proposed section 15064.4 is intended to be read in conjunction with . . . proposed section 15183.5. Those sections each indicate that local and regional plans may be developed to reduce GHG emissions.” (Natural Resources Agency, Final Statement of Reasons (December 2009), p. 27; *see Mission Bay Alliance v. Office of Community Investment & Infrastructure, supra*, 6 Cal.App.5th at pp. 201-202 [upholding agency’s reliance on greenhouse gas strategy].)

Finally, the Agency added another sentence to subdivision (b)(3). The Agency clarified that in determining the significance of a project’s impacts, the lead agency may consider a project’s consistency with the State’s long-term climate goals or strategies, provided that substantial evidence supports the agency’s analysis of how those goals or strategies address the project’s incremental contribution to climate change and its conclusion that the project’s incremental contribution is consistent with those plans, goals, or strategies. This clarification implements the California Supreme Court’s decision in *Center for Biological Diversity v. Dept. of Fish & Wildlife, supra*, 62 Cal.4th 204. In that case, the EIR used consistency with Assembly Bill 32’s greenhouse gas emissions reduction goals as a significance threshold. The EIR also discussed the California Air Resources Board’s Scoping Plan and “business as usual” (BAU) scenario, and found that the project would emit less than the BAU scenario. The Court concluded that the agency used a permissible significance threshold, but failed to support with

substantial evidence the finding that the project's greenhouse gas emissions would not have a cumulatively significant impact on the environment. (Id. at pp. 218-222, 225.) As the Court stated, the lead agency failed to establish through substantial evidence "a quantitative equivalence between the Scoping Plan's statewide comparison and the EIR's own project-level comparison" (Id. at p. 227.)

Subdivision (c)

The Agency added subdivision (c) to address the use of models and methodologies. The Agency clarifies that the lead agency has discretion to select the model or methodology it considers most appropriate to enable decision makers to intelligently take into account the project's incremental contribution to climate change. Most of the text in the new subdivision (c) was taken from subdivision (a)(1) of the current section 15064.4. Additionally, the clarification regarding the agency's discretion in selecting an appropriate model or methodology is consistent with CEQA Guidelines section 15151, which addresses the standards for adequacy of EIRs. (*Ibid.* ["An EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make decision which intelligently takes account of environmental consequences."].) Models play a role not only in estimating a project's greenhouse gas emissions, but also in determining baseline emissions and applying thresholds. Moving the text to subdivision (c) clarifies that the guidance on models applies to the entire section. However, when an agency relies completely on a single quantitative method, it must research and document the quantitative parameters essential to that method. (*Center for Biological Diversity v. Dept. of Fish & Wildlife, supra*, 62 Cal.4th at p. 228.)

Necessity

The proposed amendments to CEQA Guidelines section 15064.4 are necessary to reflect recent case law involving climate change analysis, including decisions from the California Supreme Court. (*Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497; *Center for Biological Diversity v. Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204; *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70.) In addition to proposing necessary updates to this section, the Agency intends these changes to result in analyses that help decisionmakers and the public to meaningfully understand a project's potential contribution to climate change.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with case law. Additionally, the proposed action adds no new substantive requirements. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only and would be implementing existing case law.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The action implements and clarifies existing case law. Because the action does not add new substantive requirements, it will not result in an adverse impact on businesses in California.

15064.7. THRESHOLDS OF SIGNIFICANCE

Specific Purposes of the Amendment

This section provides additional explanation of thresholds of significance. Section 15064.7 defines a threshold as “an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will *normally* be determined to be significant by the agency and compliance with which means the effect *normally* will be determined to be less than significant.” (CEQA Guidelines § 15064.7, subd. (a) (emphasis added).)

Thresholds of significance can inform not only the decision of whether to prepare an EIR but also the identification of effects to be analyzed in depth in the EIR, the requirement to make detailed findings on the feasibility of alternatives or mitigation measures to reduce or avoid the significant effects, and when found to be feasible, changes in the project to lessen the adverse environmental impacts.

Because environmental standards, if used correctly, may promote efficiency in the environmental review process, the Natural Resources Agency added subdivision (d) to CEQA Guidelines, Section 15064.7 on thresholds of significance. Consistent with the rulings in both *Communities for a Better Environment, et al., v. Resources Agency* (2002) 103 Cal.App.4th and *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4th, the first sentence recognizes that lead agencies may treat environmental standards as thresholds of significance. By promoting the use of environmental standards as thresholds of significance, the changes in Section 15064.7 are intended to make determinations of significance simpler and more predictable for all participants in the environmental review process.

The second sentence explains that in adopting or applying an environmental standard as a threshold, the lead agency should explain how application of the environmental standard indicates a less than significant effect. This sentence recognizes the court’s caution in *Protect the Historic Amador Waterways* that “thresholds cannot be used to determine automatically whether a given effect will or will not be significant.” (*Protect the Historic Amador Waterways, supra*, 116 Cal. App. 4th at pp. 1108-1109; see also *Rominger v. County of Colusa* (2014) 229 Cal.App.4th 690, 717.) This sentence is also consistent with a similar provision in existing subdivision (h)(3), which states: “When relying on a plan, regulation or program [to evaluate cumulative impacts], the lead agency should explain how implementing the particular requirements in the plan, regulation or program ensure that the project’s incremental

contribution to the cumulative effect is not cumulatively considerable.” (CEQA Guidelines, § 15064, subd. (h)(3); see also §§ 15063, subd. (d)(3) (requiring an initial study to include sufficient information to support its conclusions); and, 15128 (requiring a lead agency to explain briefly the reasons that an impact is determined to be less than significant and therefore was not analyzed in an EIR).)

Finally, the third sentence provides criteria to assist a lead agency in determining whether a particular environmental standard is appropriate for use as a threshold of significance. The first criterion requires that the standard actually be adopted by some formal mechanism. Standards that have already undergone the scrutiny of a formal adoption process are more likely to provide a sound benchmark against which to measure a particular project’s impacts. The second criterion requires the standard to actually be adopted for the purpose of environmental protection. Such standards are more likely to provide useful information about a project’s environmental impacts than, for example, consumer protection standards. The third criterion requires that the standard actually govern the impact at issue. This is necessary to ensure that the standard relates to the impact of concern. (See, e.g., *Californians for Alternatives to Toxics v. Department of Food & Agriculture* (2005) 136 Cal.App.4th 1, 16–20; *Berkeley Keep Jets Over the Bay Com. v. Board of Port Comm.* (2001) 91 Cal.App.4th 1344, 1382 (requiring analysis of single event noise despite compliance with cumulative noise standard).) The last criterion is that the standard must actually govern the project type. For example, some standards address plan-level activities, while others address project-specific activities.

Other changes in this section clarify that lead agencies may, but are not required to, formally adopt thresholds. Lead agencies may also use thresholds on a case-by-case basis.

Necessity

The change is necessary to clarify a lead agency’s obligation to determine the significance of a proposed project and what evidence it must consider in reaching that conclusion. The Natural Resources Agency’s revision clarifies that compliance with relevant standards may be a basis for determining that the project’s impacts are less than significant. The changes in this section are necessary to assist lead agencies in determining when environmental standards may be used for this purpose.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Natural Resources Agency’s Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Natural Resources Agency’s determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with current case law, and the proposed action adds no new substantive

requirements. The Natural Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15072. NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION

Specific Purposes of the Amendment

CEQA Guidelines section 15072 describes a lead agency's obligations to provide notices of intent to specified recipients before the lead agency adopts a negative declaration or a mitigated negative declaration. The Natural Resources Agency made two changes to this section in response to concerns raised by stakeholders.

First, stakeholders have noted that there is some confusion about the word "referenced" as used in the CEQA Guidelines. (CEQA Guidelines, §§ 15072 and 15087.) Specifically, Section 15072(h) states that a notice of intent must list the address where all documents referenced in an initial study must be specified. Some agencies interpret "referenced" to mean every document that is cited in the environmental document, where others interpret it to mean every document that is incorporated by reference into the document pursuant to CEQA Guidelines, section 15150.

Documents that are "incorporated by reference" provide a portion of the document's overall analysis, and because the final initial study must reflect the independent judgment of the lead agency, one would expect a copy of the incorporated document to actually be among the lead agency's files. Other referenced documents may only provide supplementary information, and may be contained in a consultant's files or research libraries. While still valid sources of information, it is less important for such documents to actually be in the lead agency's possession. The Natural Resources Agency, therefore, finds that the latter interpretation to be a more practical interpretation of CEQA.

Second, the Natural Resources Agency added a sentence to subdivision (e) of Section 15072. The purpose of this subdivision is to list the agencies and entities in which a lead agency shall or may consult prior to completing an environmental impact report. (See, Pub. Resources Code, § 21104 (stating that the lead agency shall consult with, and obtain comments from each responsible,

trustee, or public agency that has jurisdiction over the project).) The Agency has clarified in this subdivision that lead agencies should consult public transit agencies with facilities within one-half mile of the proposed project. Doing so is likely to promote early information sharing and to avoid potential conflicts.

Necessity

This addition is necessary to improve noticing standards, provide internal consistency between sections 15072, 15082 and 15150 of the CEQA Guidelines, and clarify that CEQA itself does not mandate that a lead agency include every document cited in an EIR for public review.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Natural Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Natural Resources Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be internally consistent, and the proposed action adds no new substantive requirements. The Natural Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15075. NOTICE OF DETERMINATION ON A PROJECT FOR WHICH A PROPOSED NEGATIVE OR MITIGATED NEGATIVE DECLARATION HAS BEEN APPROVED

Specific Purposes of the Amendment

This section prescribes the use and content of a Notice of Determination on a project for which a proposed negative or mitigated negative declaration has been approved. The existing regulation spells out minimum contents so that people can recognize whether a particular notice applies to the project with which they are concerned. The section notes that the effect of filing the notice is to start a short statute of limitations period. If the notice is not filed, a longer period would apply. Failure to comply with all the requirements for filing notices of determination results in the longer, 180-day, statute of limitations.

Pursuant to Assembly Bill 320 (Hill, 2011), the Natural Resources Agency has added a new subdivision (b)(8) to Section 15075 of the CEQA Guidelines. AB 320 amended Public Resource Code sections 21108 and 21152 to require certain information to be included in the Notice of Determination consistent with CEQA Guidelines section 21065, subdivisions (b) and (c). AB 320 requires the Notice of Determination to include the identity of the person undertaking an activity, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies or the identity of the person receiving a lease, permit, license, certificate, or other entitlement for use. Thus, the Natural Resources Agency added subdivision (b)(8) to section 15075 of the CEQA Guidelines to provide consistency with Public Resources Code, section 21108 and 21152.

Necessity

The amendment to CEQA Guidelines section 15075 is necessary to reflect the Legislative changes. The language of this section of the CEQA Guidelines follows the direction of the Legislature and ensures that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Natural Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Natural Resources Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with Sections 21108 and 21152 of the Public Resources Code, and the proposed action adds no new substantive requirements per se. Rather, additional information regarding the project applicant must be included in the forms filed by public agencies. The Natural Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15082. NOTICE OF PREPARATION AND DETERMINATION OF SCOPE OF EIR Specific Purposes of the Amendment

CEQA Guidelines section 15082 describes the consultation process (commonly referred to as “scoping”), including the use of a notice of preparation of a draft EIR, among a lead agency and responsible and trustee agencies where the lead agency is preparing an EIR that will be used by these agencies in reviewing and approving a project.

The Natural Resources Agency amended subdivision (a) of Section 15082 of the CEQA Guidelines. Currently, subdivision (a) of Section 15082 states that a lead agency must send a notice of preparation stating that an environmental impact report will be prepared to the Office of Planning and Research and each responsible and trustee agency involved in the project. Public Resources Code, Section 21092.3 also requires that the notices be posted in the office of the county clerk of each county in which the project will be located. The Natural Resources Agency, therefore, included a statement that the notice must also be filed with the county clerk of each county within which the project is located.

Necessity

This addition is necessary to accurately reflect the procedural requirement stated in the Public Resources Code, which also requires posting with the county clerk.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Natural Resources Agency’s Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Natural Resources Agency’s determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with the Act, and the proposed action adds no new substantive requirements. The Natural Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15086. CONSULTATION CONCERNING DRAFT EIR Specific Purposes of the Amendment

This section implements the statutory requirements for consultation with other public agencies and the authority to consult with people who have special expertise concerning the environmental effects of the project. (Pub. Resources Code, § 21092.4.)

Among the other agencies with whom a lead agency should consult, the Natural Resources Agency clarified in subdivision (a)(5) of Section 15086 that lead agencies should also consult public transit agencies facilities within one-half mile of the proposed project. Doing so is likely to promote early information sharing and resolution of potential conflicts.

Necessity

This addition is necessary to improve noticing standards by involving affected public transit agencies in the preparation of an environmental impact report and to ensure environmental transportation impacts are fully considered in accordance to the general statutory mandate under CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Natural Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Natural Resources Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with the Act, and the proposed action adds no new substantive requirements. The Natural Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15087. PUBLIC REVIEW AND DRAFT EIR

Specific Purposes of the Amendment

CEQA Guidelines section 15087 sets forth procedures for public notice applying to the public review of draft EIRs.

The Natural Resources Agency made two separate amendments to this section. The first is an addition to subdivision (c)(2) of section 15087 that the lead agency may specify the manner in

which it will receive written comments. The second clarifies the requirement in (g)(4) of section 15087 that all documents referenced in the draft environmental impact report or negative declaration be available for review.

CEQA Guidelines section 15087, subd. (c)(2)

Advances in technology have altered the nature of the public's interactions with government agencies. Many public agencies now incorporate the internet and social media into their outreach and public participation strategies. (See, e.g., Office of Planning and Research, Book of Lists (2003), pp. 94-99 (listing local governments that use the internet and e-mail as forms of public engagement); see also Institute for Local Government, "A Local Official's Guide to Online Public Engagement" (2012).) In light of these changes, it is appropriate to allow a lead agency to specify that formal written comments must be submitted to a particular physical or electronic mail address and not, for example, a posting on social media.

Similarly, the public has expanded its use of the internet and digital storage to provide increasing amounts of data and information to decision-makers.

Therefore, the Natural Resources Agency clarified in Section 15087, subdivision (c)(2) that the lead agency may specify the manner in which it will receive written comments. This is an important clarification given that failure to respond to a timely submitted comment may lead to invalidation of a project for failure to comply with CEQA. Further, it is important for the public to understand the way to best make its views known to decisionmakers. Thus, this change promotes both public participation in the CEQA process and predictable outcomes in the CEQA process.

CEQA Guidelines, 15087, subd. (c)(5)

CEQA requires a lead agency to provide notice that it is preparing an EIR or a negative declaration, and such notice "shall specify ... the address where copies of the draft environmental impact report or negative declaration, and all documents referenced in the draft environmental impact report or negative declaration, are available for review" (Pub. Resources Code § 21092, subds. (a) and (b).) Stakeholders have noted that there is some confusion about the word "referenced" as used in that section and in the CEQA Guidelines. (CEQA Guidelines §§ 15072, 15087.) Some agencies interpret "referenced" to mean every document that is cited in the environmental document, where others interpret it to mean every document that is incorporated by reference into the document pursuant to Section 15150.

Documents that are "incorporated by reference" provide a portion of the document's overall analysis, and because the final initial study must reflect the independent judgment of the lead agency, one would expect a copy of the incorporated document to actually be among the lead agency's files. Other referenced documents may only provide supplementary information, and may be contained in a consultant's files or research libraries. While still valid sources of information, it is less important for

such documents to actually be in the lead agency's possession. The Natural Resources Agency, therefore, finds that the latter interpretation to be a more practical interpretation of CEQA.

Necessity

The clarification of subdivision (c)(2), of section 15087 is necessary to accommodate those agencies that wish to publicize the availability a draft environmental impact report on the internet or social media, and to make clear that responses will not be prepared for comments made in internet chat-rooms or via social media.

Additionally, in enacting CEQA, the Legislature declared that "it is the policy of the state that ... [a]ll persons and public agencies involved in the environmental review process be responsible for carrying out the process in the most efficient, expeditious manner" (Pub. Resources Code § 21003, subd. (f).) The changes to subdivision (c)(5) would also provide internal consistency between sections 15072, 15082 and 15150 of the Guidelines and would clarify that CEQA itself does not mandate that a lead agency include every document cited in an EIR for public review.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Natural Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Natural Resources Agency's determination that the proposed action is necessary to update the CEQA Guidelines to carry out the CEQA process in the most efficient, expeditious manner, to be internally consistent, and the proposed action adds no new substantive requirements. The Natural Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15088. EVALUATION OF AND RESPONSE TO COMMENTS

Specific Purposes of the Amendment

This section explains that evaluation and response to public comments is an essential part of the CEQA process. Failure to comply with these requirements can lead to disapproval of a project. To avoid this problem, it is necessary to identify the requirements for responding to comments

in the CEQA Guidelines. This section is also necessary to explain different ways in which the responses to comments can be prepared. The options of revising the draft or adding the comments and responses as a separate section of the final EIR match the permissible approaches under NEPA.

In light of the increasing use of the internet in public engagement, as well as current case law, the Natural Resources Agency clarified the scope of a lead agency's duty to respond to comments as described in Section 15088. Specifically, the Agency updated that section to state that responses to general comments may be general. Further, the Agency clarified that general responses may be appropriate when a comment does not explain the relevance of information submitted with the comment, and when a comment refers to information that is not included or is not readily available to the agency.

The Natural Resources Agency also clarified in Section 15088, subdivision (b) that a lead agency may provide proposed responses to public agency comments in electronic form. This change is consistent with the policy stated in Public Resources Code Section 21003, subdivision (f), that "agencies involved in the environmental review process be responsible for carrying out the process in the most efficient, expeditious manner[.]" The change is also consistent with the trend of making more government documents available electronically. (*See, e.g.,* Senate Bill 122 (Jackson, 2016) (allowing the State Clearinghouse to require submission of documents in electronic form).)

Necessity

This clarification is necessary to define the scope of a lead agency's duty to respond to comments as described in section 15088. Specifically, these changes are necessary to clarify that responses to general comments may be general. Further, these changes are necessary to clarify that general responses may be appropriate when a comment does not explain the relevance of information submitted with the comment, and when a comment refers to information that is not included or is not readily available to the agency. Additionally, in enacting CEQA, the Legislature declared that "it is the policy of the state that ... [a]ll persons and public agencies involved in the environmental review process be responsible for carrying out the process in the most efficient, expeditious manner" (Pub. Resources Code § 21003, subd. (f).)

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency's determination that the proposed action is necessary to update the CEQA Guidelines to carry out the CEQA process in the most efficient, expeditious manner, to be internally consistent, and the

proposed action adds no new substantive requirements. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15094. NOTICE OF DETERMINATION

Specific Purposes of the Amendment

This section prescribes the use and content of the Notice of Determination. The existing regulation spells out minimum contents so that people can recognize whether a particular notice applies to the project with which they are concerned. The section notes that the effect of filing the notice is to start a short statute of limitations period. If the notice is not filed, a longer period would apply. Failure to comply with all of the requirements for filing notices of determination results in the longer, 180-day, statute of limitations.

Pursuant to Assembly Bill 320 (Hill, 2011), the Natural Resources Agency added a new subdivision (b)(10) to Section 15094 of the CEQA Guidelines. AB 320 amended Public Resource Code, sections 21108 and 21152 requiring information to be included in the Notice of Determination consistent with CEQA Guidelines section 21065, subdivisions (b) and (c). AB 320 requires the Notice of Determination to include the identity of the person undertaking an activity, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies or the identity of the person receiving a lease, permit, license, certificate, or other entitlement for use. Thus, the Agency added subdivision (b)(10) to section 15094 of the CEQA Guidelines to provide consistency with Public Resources Code, section 21108 and 21152.

Necessity

The amendment to CEQA Guidelines section 15094 is necessary to reflect the Legislative changes made in AB 320 (2011). The language of this section of the CEQA Guidelines follows the direction of the Legislature and ensures that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with Sections 21108 and 21152 of the Public Resources Code, and the proposed action adds no new substantive requirements. Rather, additional information regarding the project applicant must be included in the forms filed by public agencies. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15107. COMPLETION OF NEGATIVE DECLARATION FOR CERTAIN PRIVATE PROJECTS Specific Purposes of the Amendment

This section reflects the statutory requirement that a Negative Declaration be completed and adopted within 180 days of the day a private project is accepted as complete for processing. The Natural Resources Agency added a sentence to Section 15107 clarifying that a lead agency may extend the 180-day time limit once for a period of no more than 90 days upon the consent of both the lead agency and the applicant.

Necessity

This addition is necessary to allow the lead agency the same flexibility to extend the deadline for the completion of a negative declaration as is allotted for the completion of an environmental impact report. (CEQA Guidelines, § 15108 (lead agency may extend the deadline for the completion of an environmental impact report "...[O]nce for a period of not more than 90 days upon consent of the lead agency and the applicant".))

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be

internally consistent, and the proposed action adds no new substantive requirements. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15124. PROJECT DESCRIPTION

Specific Purposes of the Amendment

This section requires the EIR to describe the proposed project in a way that will be meaningful to the public, to the other reviewing agencies, and to the decision-makers. The Natural Resources Agency amended subdivision (b) of Section 15124 to clarify that the general description of a project may also discuss the proposed project's benefits to ensure the project description allows decision makers to balance, if needed, a project's benefit against its environmental cost.

Necessity

This clarification is necessary to ensure that the CEQA Guidelines are consistent with case law. (See *County of Inyo v. City of Los Angeles*, 71 Cal. App. 3d 185, 192 (determined an accurate project description allows decision makers to balance the proposal's benefit against its environmental cost).) The clarification ensures that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with the case law, and the proposed action adds no new substantive requirements. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15125. ENVIRONMENTAL SETTING

Specific Purposes of the Amendment

This section of the CEQA Guidelines requires an EIR to describe the environmental setting of the project so that the changes can be seen in context. Section 15125 of the CEQA Guidelines has for years described the general rule: “normally,” the baseline consists of physical environmental conditions “as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced.” In recent years, several decisions of the courts of appeal and the California Supreme Court have focused on exceptions to this general rule. In response, the Natural Resources Agency has added a statement of purpose and three subdivisions to subdivision Section 15125, subdivision (a).

Subdivision (a) – Purpose

In the body of subdivision (a), the Natural Resources Agency added a sentence stating that the purpose of defining the environmental setting is to give decision-makers and the public an accurate picture of the project’s likely impacts, both near-term and long-term. This sentence paraphrases the Supreme Court’s description of the requirement in *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal. 4th 439. (See *id.* at 455 (“Even when a project is intended and expected to improve conditions in the long term--20 or 30 years after an EIR is prepared--decision makers and members of the public are entitled under CEQA to know the short- and medium-term environmental costs of achieving that desirable improvement. ... [¶] ... The public and decision makers are entitled to the most accurate information on project impacts practically possible, and the choice of a baseline must reflect that goal”); see also *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310.) The purpose of adding this sentence to subdivision (a) is to guide lead agencies in the choice between potential alternative baselines. When in doubt, lead agencies should choose the baseline that most meaningfully informs decision-makers and the public of the project’s possible impacts.

Subdivision (a)(1) – General Rule

New subdivision (a)(1) sets forth the general rule: normally, conditions existing at the time of the environmental review should be considered the baseline. The first sentence largely consists of language that was moved from the body of existing subdivision (a) and that states this general rule. The second sentence provides that a lead agency may look back to historic conditions to establish a baseline where existing conditions fluctuate, provided that it can

document such historic conditions with substantial evidence. (See, *Communities for a Better Environment, supra*, 48 Cal.4th at pp. 327-328 (“Environmental conditions may vary from year to year and in some cases it is necessary to consider conditions over a range of time periods”) (quoting *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 125); see also *Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316.)

The third sentence provides that a lead agency may describe both existing conditions as well as future conditions. (*Neighbors, supra*, 57 Cal. 4th at p. 454 (“nothing in CEQA law precludes an agency... from considering both types of baseline--existing and future conditions--in its primary analysis of the project's significant adverse effects”).) The court in the *Neighbors* decision described examples of when it might be appropriate to focus on conditions existing at the time the project commences operations:

For example, in an EIR for a new office building, the analysis of impacts on sunlight and views in the surrounding neighborhood might reasonably take account of a larger tower already under construction on an adjacent site at the time of EIR preparation. For a large-scale transportation project ..., to the extent changing background conditions during the project's lengthy approval and construction period are expected to affect the project's likely impacts, the agency has discretion to consider those changing background conditions in formulating its analytical baseline.

(*Id.* at 453.)

Subdivision (a)(2) – Exceptions to the General Rule

Proposed subdivision (a)(2) sets forth the exception to the general rule, and conditions allowing lead agencies to use an alternative baseline. The first sentence explains that existing conditions may be omitted in favor of an alternate baseline where “use of existing conditions would be either misleading or without informative value to decision-makers and the public.” (See, *Neighbors, supra*, 57 Cal.4th at p. 453 (“To the extent a departure from the ‘norm[]’ of an existing conditions baseline (CEQA Guidelines, § 15125(a)) promotes public participation and more informed decisionmaking by providing a more accurate picture of a proposed project's likely impacts, CEQA permits the departure. Thus, an agency may forego analysis of a project's impacts on existing environmental conditions if such an analysis would be uninformative or misleading to decision makers and the public”).) Notably, the Court in the *Neighbors* case highlighted a useful example of when future conditions might provide a more useful analysis:

In this illustration, an existing industrial facility currently emits an air pollutant in the amount of 1,000 pounds per day. By the year 2020, if no new project is undertaken at the facility, emissions of the pollutant are projected to fall to 500 pounds per day due to enforcement of regulations already adopted and to turnover in the facility's vehicle fleet. The operator proposes to use the facility for a new project that will emit 750 pounds per day of the pollutant upon implementation and through at least 2020. An

analysis comparing the project's emissions to existing emissions would conclude the project would reduce pollution and thus have no significant adverse impact, while an analysis using a baseline of projected year 2020 conditions would show the project is likely to increase emissions by 250 pounds per day, a (presumably significant) 50 percent increase over baseline conditions.

(*Neighbors*, *supra*, 57 Cal. 4th at 453, n 5.)

The first sentence in subdivision (a)(2) also describes the procedural requirement that the lead agency must expressly justify its decision not to use existing conditions as the baseline for environmental analysis, and that justification must be supported with substantial evidence in the record. (See *id.* at 457.) The second sentence provides that if future conditions are to be used, they must be based on reliable projections grounded in substantial evidence. This provision reflects the court's concern regarding gamesmanship and manipulation as stated in the *Neighbors* decision, as well as the concern that predictive modeling may not be readily understood by the public. (*Id.* at pp. 455-456; see also Pub. Resources Code, §§ 21003(b) (CEQA documents shall "be organized and written in a manner that will be meaningful and useful to decision makers and to the public"), 21080(e)(2) ("Substantial evidence" does not include "speculation ... or ... evidence that is clearly inaccurate or erroneous").)

Subdivision (a)(3) – Hypothetical Conditions

Subdivision (a)(3) specifies that hypothetical conditions may not be used as a baseline. Specifically, this proposed subdivision states that lead agencies may not measure project impacts against conditions that are neither existing nor historic, such as those that might be allowed under existing permits or plans. As the Supreme Court explained in its *CBE* decision: "[a]n approach using hypothetical allowable conditions as the baseline results in 'illusory' comparisons that 'can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts,' a result at direct odds with CEQA's intent." (*Communities for a Better Environment*, *supra*, 48 Cal. 4th at 322 (quoting *Environmental Planning & Information Council v. County of El Dorado* (1982) 131 Cal. App. 3d 350, 358).)

These changes reflect in large part suggestions of the Association of Environmental Professionals and American Planning Association, and, to a degree, those submitted by the California Building Industry Association. (See "Recommendations for Updating the State CEQA Guidelines American Planning Association, California Chapter; Association of Environmental Professionals; and Enhanced CEQA Action Team (August 30, 2013), at pp. 1-2; see also Letter from the California Building Industry Association, February 14, 2014.) This proposal, however, breaks the new guidance into subdivisions to more clearly identify (1) the general rule, (2) acceptable exceptions to the general rule and conditions for using alternative baselines, and (3) prohibited alternative baselines.

Necessity

This clarification is necessary to reflect the California Supreme Court’s decision in *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439. The description of the environmental setting plays a key role in the CEQA process by providing the baseline against which the project’s potential impacts are measured. It is necessary to guide lead agencies in the choice between potential alternative baselines.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency’s Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency’s determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with the California Supreme Court’s decision, and the proposed action adds no new substantive requirements. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15126.2. CONSIDERATION AND DISCUSSION OF SIGNIFICANT ENVIRONMENTAL IMPACTS

Specific Purposes of the Amendment

This section of the CEQA Guidelines describes how an EIR must identify and focus on the significant environmental effects, unavoidable significant environmental effects, unavoidable significant environmental effects, significant irreversible environmental changes, and growth-inducing impacts which may result from a project. The Natural Resources Agency made two separate additions to this section.

Changes in Subdivision (a), Relating to Hazards

First, the Natural Resources Agency changed subdivision (a) to specifically address the California Supreme Court’s decision in *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369. In that case, the Court held that “agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project’s future users or residents” but they must analyze hazards the project might risk

exacerbating. In reaching that conclusion, the Court also found that two sentences in existing Section 15126.2, subdivision (a), were invalid.

Changes appear in the first, as well as the fifth through the eighth, sentences in existing Section 15126.2(a). The first change clarifies that the focus of a CEQA analysis is the project's effect on the environment. Second, these changes add the words "or risks exacerbating" to the fifth sentence regarding impacts a project may cause by bringing people or development to the affected area. This addition clarifies that an EIR must analyze not just impacts that a project might cause, but also existing hazards that the project might make worse. This clarification implements the Supreme Court's holding in the *CBIA* case. (62 Cal. 4th at 377 ("when a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users").) In this context, an effect that a project "risks exacerbating" is similar to an "indirect" effect. Describing "indirect effects," the CEQA Guidelines state: "If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect physical change in the environment." (State CEQA Guidelines § 15064(d)(2).) Just as with indirect effects, a lead agency should confine its analysis of exacerbating effects to those that are reasonably foreseeable. (*Id.* at subd. (d)(3).) Notably, by stating that EIRs should analyze effects that a project might "cause or risk exacerbating," this clarification also makes clear that EIRs need not analyze effects that the project does not cause directly or indirectly.

The third change deletes the sentences (using developing on a fault-line as an example of a hazard that requires analysis) that the Supreme Court specifically held exceeded CEQA's scope. This change is necessary to implement the Court's holding regarding the scope of analysis that CEQA requires.

Notably other laws require analysis of seismic hazards. Public Resources Code Section 2697, for example, requires cities and counties to prepare a site-specific geologic report prior to approval of most projects in a seismic hazard zone. Regulations further clarify that such "project shall be approved only when the nature and severity of the seismic hazards at the site have been evaluated in a geotechnical report and appropriate mitigation measures have been proposed." (Cal. Code Regs, tit. 14, § 3724.) Further, the California Building Code contains provisions requiring all buildings to be designed to withstand some seismic activity. (See, e.g., tit. 24, § 1613.1.)

The safety elements of local general plans will also describe potential hazards, including: "any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence; liquefaction; and other seismic hazards ..., and other geologic hazards known to the legislative body; flooding; and wildland and urban fires." (Gov. Code § 65302(g)(1).) Hazards associated with flooding, wildfire and climate change require special consideration. (*Id.* at subd. (g)(2)-(g)(4).) Lead agencies must "discuss any inconsistencies between the proposed project and applicable general plans" related to a project's potential environmental impacts in a project's environmental review. (State CEQA Guidelines § 15125(d).) Local governments may regulate land use to protect public health and welfare pursuant to their police power. (Cal. Const., art. XI, § 7; *California Building Industry Assn. v. City of San*

Jose (2015) 61 Cal. 4th 435, 455 (“so long as a land use restriction or regulation bears a reasonable relationship to the public welfare, the restriction or regulation is constitutionally permissible”).)

The fourth change clarifies that a project’s direct and indirect and cumulative effects may affect the hazardous condition, and therefore, must still be evaluated in CEQA. In fact, such effects are particularly important when a project locates in a hazardous location. For example, a project proposed on a coastline may not itself cause pre-existing erosive forces. However, according to the Court in the *CBIA* case, a lead agency would need to include any relevant hazards in the environmental document’s description of the environmental setting. Further, in the case of coastal development, if sea walls or other shoreline structures are necessary to protect the project from erosion, the sea wall may contribute to cumulative erosion impacts nearby on the coast. Such a development might also lead to indirect effects such as dispersion of pollutants from inundation, increased maintenance and repair-related construction, impedance of evacuation routes, increased demand on emergency services, etc. Thus, harm to the project would not mandate a finding of a significant effect; however, any environmental effects that might result from the harm to the project, and predictable responses to that harm, are properly evaluated in a CEQA evaluation.

The final addition clarifies that a lead agency should consider not just existing hazards, but the potential for increasing severity of hazards over time. This change is necessary because certain types of hazards are expected to be more severe in the future due to our changing climate. Examples include increased flooding (resulting from more precipitation falling as rain instead of snow as well as from rising sea levels) and more intense wildfires. These types of climate change impacts may worsen a proposed project’s direct, indirect, or cumulative environmental effects in the future. A lead agency need not engage in speculation regarding such effects. Rather, hazard zones may be clearly identified in authoritative maps, such as those found on the Cal-Adapt website (<http://cal-adapt.org/>), or in locally adopted general plan safety elements and local hazard mitigation plans. Notably, pursuant to new requirements in Government Code section 65302(g)(4), added by Senate Bill 379, general plans will identify “geographic areas at risk from climate change impacts[.]” Focus on both short-term and long-term effects is also necessary to implement express legislative policy. (Pub. Resources Code §§ 21001(d), (g); 21083(b)(1).)

Consideration of future conditions in determining whether a project’s impacts may be significant is consistent with CEQA’s rules regarding baseline. “[N]othing in CEQA law precludes an agency ... from considering both types of baseline—existing and future conditions—in its primary analysis of the project’s significant adverse effects.” (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal. 4th 439, 454.) “The key ... is the EIR’s role as an informational document.” (*Id.* at 453.)

New Subdivision (b), Relating to Energy Impacts

The Natural Resources Agency also added a new subdivision (b) to Section 15126.2 discussing the required contents of an environmental impact report. The new subdivision specifically addressed the required analysis of a project’s potential energy impacts which is currently

housed within Appendix F of the CEQA Guidelines. Appendix F was revised in 2009 to clarify that analysis of energy impacts is mandatory. The Agency adds a subdivision on energy impacts to further elevate the issue and remove any question about whether such an analysis is required.

As background, in 1974, the Legislature adopted the Warren-Alquist State Energy Resources Conservation and Development Act. (Pub. Resources Code, § 25000 et seq.) That act created what is now known as the California Energy Commission, and enabled it to adopt building energy standards. (See, e.g., *id.* at § 25402.) At that time, the Legislature found the “rapid rate of growth in demand for electric energy is in part due to wasteful, uneconomic, inefficient, and unnecessary uses of power and a continuation of this trend will result in serious depletion or irreversible commitment of energy, land and water resources, and potential threats to the state’s environmental quality.” (*Id.* at § 25002; see also § 25007 (“It is further the policy of the state and the intent of the Legislature to employ a range of measures to reduce wasteful, uneconomical, and unnecessary uses of energy, thereby reducing the rate of growth of energy consumption, prudently conserve energy resources, and assure statewide environmental, public safety, and land use goals”).)

The same year that the Legislature adopted Warren-Alquist, it also added section 21100(b)(3) to CEQA, requiring environmental impact reports to include “measures to reduce the wasteful, inefficient, and unnecessary consumption of energy.” As explained by a court shortly after that provision was enacted, the “energy mitigation amendment is *substantive* and not procedural in nature and was enacted for the purpose of requiring the lead agencies to focus upon the energy problem in the preparation of the final EIR.” (*People v. County of Kern* (1976) 62 Cal.App.3d 761, 774 (emphasis added).) It compels an affirmative investigation of the project’s potential energy use and feasible ways to reduce that use.

Though Appendix F of the CEQA Guidelines has contained guidance on energy analysis for decades, implementation among lead agencies has not been consistent. (See, e.g., *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 209.) While California is a leader in energy conservation, the importance of addressing energy impacts has not diminished since 1974. On the contrary, given the need to avoid the effects of climate change, energy use is an issue that we cannot afford to ignore. As the California Energy Commission’s Integrated Energy Policy Report (2016) explains:

Energy fuels the economy, but it is also the biggest source of greenhouse gas emissions that lead to climate change. Despite California’s leadership, Californians are experiencing the impacts of climate change including higher temperatures, prolonged drought, and more wildfires. There is an urgent need to reduce greenhouse gas emissions and increase the state’s resiliency to climate change. . . . ¶ . . . With transportation accounting for about 37 percent of California’s greenhouse gas emissions in 2014, transforming California’s transportation system away from gasoline to zero-emission and near-zero-emission vehicles is a fundamental part of the state’s efforts to meet its climate goals. . . . ¶ . . . Energy efficiency and demand response are also key components of the state’s strategy to reduce greenhouse gas emissions.

(*Id.* at pp. 5, 8, 10.)

Appendix F was revised in 2009 to clarify that analysis of energy impacts is mandatory. The Agency now adds a subdivision in section 15126.2 on energy impacts to further elevate the issue, and remove any question about whether such an analysis is required.

The first sentence clarifies that an EIR must analyze whether a project will result in significant environmental effects due to “wasteful, inefficient, or unnecessary consumption of energy.” This clarification is necessary to implement Public Resources Code section 21100(b)(3). Because the duty to impose mitigation measures arises when a lead agency determines that the project may have a significant effect, section 21100(b)(3) necessarily requires both analysis and a determination of significance in addition to energy efficiency measures. (Pub. Resources Code, § 21002.)

The second sentence further clarifies that all aspects of the project must be considered in the analysis. This clarification is consistent with the rule that lead agencies must consider the “whole of the project” in considering impacts. It is also necessary to ensure that lead agencies consider issues beyond just building design. (*See, e.g., California Clean Energy Com. v. City of Woodland, supra*, 225 Cal.App.4th at pp. 210-212.) The analysis of vehicle miles traveled provided in proposed section 15064.3 (implementing Public Resources Code section 21099 (SB 743)) on transportation impacts may be relevant to this analysis.

The third sentence signals that the analysis of energy impacts may need to extend beyond building code compliance. (*Ibid.*) The requirement to determine whether a project’s use of energy is “wasteful, inefficient, and unnecessary” compels consideration of the project in its context. (Pub. Resources Code, § 21100(b)(3).) While building code compliance is a relevant factor, the generalized rules in the building code will not necessarily indicate whether a particular project’s energy use could be improved. (*Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912, 933 (after analysis, lead agency concludes that project proposed to be at least 25% more energy efficient than the building code requires would have a less than significant impact); *see also* CEQA Guidelines, Appendix F, § II.C.4 (describing building code compliance as one of several different considerations in determining the significance of a project’s energy impacts).) That the Legislature added the energy analysis requirement in CEQA at the same time that it created an Energy Commission authorized to impose building energy standards indicates that compliance with the building code is a necessary but not exclusive means of satisfying CEQA’s independent requirement to analyze energy impacts broadly.

The new subdivision (b) also provides a cross-reference to Appendix F. This cross-reference is necessary to direct lead agencies to the more detailed provisions contained in that appendix.

Finally, new subdivision (b) cautions that the analysis of energy impacts is subject to the rule of reason, and must focus on energy demand caused by the project. This sentence is necessary to place reasonable limits on the analysis. Specifically, it signals that a full “lifecycle” analysis that would account for energy used in building materials and consumer products will generally not

be required. (See also Cal. Natural Resources Agency, Final Statement of Reasons for Regulatory Action: Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97 (Dec. 2009) at pp. 71-72.)

Necessity

The changes in subdivision (a) are necessary to assist lead agencies in applying the California Supreme Court's holding agencies subject to CEQA are generally are not required to analyze the impact of existing environmental conditions on a project's future users or residents unless the impacts of the project risk exacerbation of the impact. Further, the proposed changes will assist lead agencies in applying the principles identified by the California Supreme Court in the *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369 decision.

Additionally, it is necessary to add the language to the CEQA Guidelines regarding energy impact analyses because CEQA has long required energy impact analyses. However, the description of the required analysis is currently located in a stand-alone Appendix and goes largely unnoticed and implementation among lead agencies has not been consistent. Further, the proposed changes will assist lead agencies in applying the principles identified by courts in several recent cases, including *Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 Cal.App.4th 256.

The additional language in both subdivisions will ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with case law, and the proposed action adds no new substantive requirements. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15126.4. CONSIDERATION AND DISCUSSION OF MITIGATION MEASURES PROPOSED TO MINIMIZE SIGNIFICANT EFFECTS

Specific Purposes of the Amendment

When a lead agency identifies a potentially significant environmental impact, it must propose feasible mitigation measures in the environmental document for a project. (Pub. Resources Code, §§ 21002 (duty to mitigate), 21080(c)(2) (mitigated negative declaration), 21100(b)(3) (EIR must include mitigation measures).) The formulation of mitigation measures cannot be deferred until after project approval. (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92 (“reliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA’s goals of full disclosure and informed decisionmaking; and consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment”).)

Practical considerations, however, sometimes preclude development of detailed mitigation plans at the time of project consideration. In such cases, courts have permitted lead agencies to defer some of the *details* of mitigation measures provided that the agency commits itself to mitigation and analyzes the different mitigation alternatives that might ultimately be incorporated into the project. (See, e.g., *Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011, 1028–1030.)

A line of recent cases developed more specific rules on what details may or may not be deferred. (See, e.g., *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260; *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899; *City of Maywood v. Los Angeles Unified School Dist.* (2012) 208 Cal.App.4th 362; *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70; *Sheryl Gray v. County of Madera* (2008) 167 Cal.App.4th 1099; *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645; *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777; *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261.)

In light of those cases, and stakeholder requests for clarification in the CEQA Guidelines, the Natural Resources Agency made several amendments to Section 15126.4.

First, the amendments clarify in section 15126.4, subdivision (a)(1)(B), that the lead agency “shall” not defer identification of mitigation measures. This binding requirement is clearly stated in a number of cases. (See, e.g., *Preserve Wild Santee, supra*, 210 Cal.App.4th 260; *Rialto Citizens for Responsible Growth, supra*, 208 Cal.App.4th 899; *City of Maywood, supra*, 208 Cal.App.4th 362; *CBE, supra*, 184 Cal.App.4th 70; *Gray v. County of Madera, supra*, 167 Cal.App.4th 1099; *San Joaquin Raptor Rescue Center, supra*, 149 Cal.App.4th 645; *Endangered Habitats League, supra*, 131 Cal.App.4th 777; *Defend the Bay, supra*, 119 Cal.App.4th 1261.) Therefore, replacing the word ‘should’ with ‘shall’ conforms the Guidelines to case law. (State CEQA Guidelines § 15005.)

Second, the amendments describe situations when deferral of the *specific details* of mitigation may be allowable under CEQA, including which commitments the agency should make in the environmental document. Specifically, the amendments explain that deferral may be permissible when it is impractical or infeasible to fully formulate the details of a mitigation measure at the time of project approval and the agency commits to mitigation. (See, e.g., *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884 (deferral of mitigation was proper where practical considerations prohibited devising mitigation measures early in the planning process, and the agency committed to performance criteria); *Defend the Bay, supra*, 119 Cal.App.4th 1261 (deferral of specifics of mitigation measures was permissible where practical considerations prohibited devising such measures for a general plan amendment and zoning change); and *Preserve Wild Santee, supra*, 210 Cal.App.4th 260 (deferral of mitigation details was improper where performance standards were not specified and lead agency did not provide an explanation for why such standards were impractical or infeasible to provide at the time of certification of the EIR).)

Further, these changes clarify that when deferring the specifics of mitigation, the lead agency should adopt specific performance standards and provide a list of the types of possible mitigation measures that would achieve the standard. This approach is summarized in *Defend the Bay v. City of Irvine, supra*. In that case, the court stated that deferral may be appropriate where the lead agency “lists the alternatives to be considered, analyzed and possibly incorporated into the mitigation plan.” (*Defend the Bay, supra*, at p. 1275; see also *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376; *Rialto Citizens for Responsible Growth, supra*, 208 Cal.App.4th 899; *Gray v. County of Madera, supra*, 167 Cal.App.4th 1099; *San Joaquin Raptor Rescue Center, supra*, 149 Cal.App.4th 645; *Endangered Habitats League, supra*, 131 Cal.App.4th 777.)

Adoption of performance standards in the environmental document is described by the court in *Rialto Citizens for Responsible Growth v. City of Rialto, supra*. There, the court ruled that where mitigation measures incorporated specific performance criteria and were not so open-ended that they allowed potential impacts to remain significant, deferral was proper. (*Rialto Citizens for Responsible Growth, supra*, 208 Cal.App.4th 899; see also *Laurel Heights, supra*, 47 Cal.3d 376; *Preserve Wild Santee, supra*, 210 Cal.App.4th 260; *City of Maywood, supra*, 208 Cal.App.4th 362; *CBE, supra*, 184 Cal.App.4th 70; *Gray v. County of Madera, supra*, 167 Cal.App.4th 1099; *San Joaquin Raptor Rescue Center, supra*, 149 Cal.App.4th 645; *Endangered Habitats League, supra*, 131 Cal.App.4th 777.)

Finally, the amendments explain that such deferral may be appropriate “where another regulatory agency will issue a permit for the project and is expected to impose mitigation requirements independent of the CEQA process so long as the EIR included performance criteria and the lead agency committed itself to mitigation.” (*Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 237; see also *Oakland Heritage Alliance, supra*, 195 Cal.App.4th 884; *Defend the Bay, supra*, 119 Cal.App.4th 1261.)

Necessity

The amendments are necessary to bring the current CEQA Guidelines in conformance to recent case law. The amendments will ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with case law. Additionally, the proposed action adds no new substantive requirements. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15152. TIERING

Specific Purposes of the Amendment

The tiering concept authorized in this section is designed to promote efficiency in the CEQA review process. This section recognizes that the approval of many projects will move through a series of separate public agency decisions, going from approval of a general plan, to approval of an intermediate plan or zoning, and finally to approval of a specific development proposal. Tiering focuses environmental review on the environmental issues that are relevant to the approval being considered. At the same time, tiering requires the lead agency to analyze reasonably foreseeable significant effects and does not allow deferral of such analysis to a later tier document.

The Natural Resources Agency has updated CEQA Guidelines, Section 15152, subdivision (h). That section currently states that "[t]here are various types of EIRs that may be used in a tiering situation." The Agency rewrote that section to clarify that tiering is only one of several streamlining mechanisms that can simplify the environmental review process. (See, e.g., CEQA Guidelines, § 15006 (lists methods to reduce or eliminate duplication in the CEQA process).) Tiering is one such efficiency measure. (See, e.g., Pub. Resources Code, § 21093 (states that

tiering may be appropriate “to exclude duplicative analysis” completed in previous EIRs), § 21094 (states that a lead agency may examine significant effects of a project by using a tiered EIR.) Public Resources Code Section 21094 is broadly worded to potentially be used for any number of programs, plans, policies, or ordinances, with a wide variety of content. (*Ibid.*) In adopting Section 21094, the legislature did not indicate that it intended to replace any other streamlining mechanisms. For example, the legislature did not override existing provisions including, but not limited to, Program EIRs (CEQA Guidelines, § 15168) and projects consistent with general plans (Pub. Resources Code, § 21083.3). In fact, the legislature created additional streamlining mechanisms after tiering was adopted. (See, e.g., Pub. Resources Code, § 21157 (Master EIR), § 21158 (Focused EIR).) Thus, this revision clarifies that tiering describes one mechanism for streamlining the environmental review process, but where other methods have more specific provisions, those provisions shall apply. The revision also adds infill streamlining to the list of specialized streamlining tools.

Necessity

The amendments are necessary to clarify that tiering describes one mechanism for streamlining the environmental review process, but where other methods have more specific provisions, those provisions shall apply. The amendments will ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency’s Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency’s determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with Public Resources Code as well as internally consistent with other sections of the CEQA Guidelines. The proposed action adds no new substantive requirements. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15155. CITY OR COUNTY CONSULTATION WITH WATER AGENCIES

Specific Purposes of the Amendment

California recently experienced the worst water crisis in our state’s modern history over multiple consecutive years of extremely dry conditions. During that time, precipitation and snowpack were a small fraction of their normal averages, reservoirs were at extremely low levels, and rivers had severely diminished flows. In response to the growing crisis, Governor Brown proclaimed a [state of emergency](#) in January 2014 and called on all Californians to reduce their water consumption by 20 percent. In April 2014, the Department of Water Resources announced a five percent allocation of the State Water Project—the lowest ever. (DWR, [Water Conditions](#).) Allocations remained low in 2015. The State Water Resources Control Board began to notify water rights holders that they must curtail their diversions in certain watersheds. (See State Water Resources Control Board, “[Notices of Water Availability \(Curtailment and Emergency Regulations\)](#)”). In September 2014, Governor Brown signed into law the [Sustainable Groundwater Management Act](#), historic legislation to strengthen local management and monitoring of groundwater basins most critical to the state's water needs. Responding to continuing dry conditions, in April 2015, the Governor issued Executive Order B-29-15, calling on Californians to redouble their water conservation efforts. Specifically, urban water agencies are required to reduce water use by a combined 25 percent. After unprecedented water conservation efforts and high levels of winter water and snow, Governor Brown issued Executive Order B-40-17 in April 2017, lifting the drought emergency in all counties except Fresno, Kings, Tulare, and Tuolumne.

Even so, climate change is expected to increase long-term variability in California’s water supplies. (Esther Conrad, “[Preparing for New Risks: Addressing Climate Change in California’s Urban Water Management Plans](#)” (June 2013).)

The Department of Water Resources has identified several climate change effects that could affect water supplies, including:

- **Water Demand** — Hotter days and nights, as well as a longer irrigation season, will increase landscaping water needs, and power plants and industrial processes will have increased cooling water needs.
- **Water Supply and Quality** — Reduced snowpack, shifting spring runoff to earlier in the year ..., increased potential for algal bloom, and increased potential for seawater intrusion—each has the potential to impact water supply and water quality.
- **Sea Level Rise** — It is expected that sea level will continue to rise, resulting in near shore ocean changes such as stronger storm surges, more forceful wave energy, and more extreme tides. This will also affect levee stability in low-lying areas and increase flooding.
- **Disaster** — Disasters are expected to become more frequent as climate change brings increased climate variability, resulting in more extreme droughts and floods. This will challenge water supplier operations in several ways as wildfires are expected to become larger and hotter, droughts will become deeper and longer, and floods can become larger and more frequent.

(Department of Water Resources, “[Guidebook to Assist Urban Water Suppliers to Prepare a 2010 Urban Water Management Plan](#),” (March 2011), at G-3.) These risks are now being incorporated into long-term water supply planning.

California courts have long recognized CEQA’s requirement to analyze the adequacy of water supplies needed to serve a proposed project. (See, e.g., *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818.) Accordingly, the sample initial study checklist in Appendix G asks whether the project would have “sufficient water supplies available to serve the project....” (CEQA Guidelines, App. G., § XVII(d).)

In recent years, the California Legislature added water supply assessment and verification requirements for certain types of projects. (See Wat. Code, §§ 10910 et seq. (water supply assessments); Gov. Code, § 66473.7 (water supply verifications).) Shortly after those statutory requirements were enacted, the California Supreme Court articulated several principles describing the content requirements for an adequate water supply evaluation in CEQA. (*Vineyard, supra*, 40 Cal.4th 412.) The Natural Resources Agency added section 15155 to the CEQA Guidelines to describe the consultation and documentation that must occur between water suppliers and lead agencies. (CEQA Guidelines, § 15155.) Because that section was developed before the Supreme Court’s decision in *Vineyard*, it focuses on compliance with the consultation requirements in SB 610, and does not discuss the issue of adequacy of a water supply analysis in CEQA more broadly.

CEQA Guidelines section 15155 describes the process city or county lead agencies must follow with respect to the development of a water supply assessment for specified types of projects and required the inclusion of the water supply assessment and other information in any environmental document prepared for the project. Because water is such a critical resource in California, and because California courts have required specific content in environmental documents regarding water supply, the Natural Resources Agency proposes to revise section 15155 to incorporate the adequacy principles described in the Supreme Court’s decision in *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412. Doing so should ensure that lead agencies consistently develop the information needed to evaluate the impacts associated with providing water to their projects.

New Subdivision (f) – Water Supply Analysis and Degree of Specificity

The Natural Resources Agency added a new subdivision (f) to section 15155 to set forth the content requirements for a water supply analysis in CEQA. While subdivision (f) describes these content requirements, it is important to note that the Agency is not creating new requirements. Rather, it is merely stating explicitly in the CEQA Guidelines the Supreme Court’s holding in the *Vineyard* case. (See, Pub. Resources Code, § 21060.5 (“environment” defined as “the physical conditions that exist within the area which will be affected by a proposed project, including ... water ...”); *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal. 4th 412 (setting forth the required elements of a water supply analysis).)

The first two sentences in subdivision (f) state the rule that the level of certainty regarding water supplies will increase as the analysis moves from general to specific. (*Vineyard, supra*, 40 Cal. 4th at 434 (“we emphasize that the burden of identifying likely water sources for a project varies with the stage of project approval involved; the necessary degree of confidence involved for approval of a conceptual plan is much lower than for issuance of building permits”).) This rule is consistent with other portions of the CEQA Guidelines governing forecasting and the degree of specificity required in environmental documents. (CEQA Guidelines, §§ 15144 “[w]hile foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can”), 15146 (“degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR”).)

Subdivision (f)(1) – Purpose

Subdivision (f)(1) states the requirement that a water supply analysis provide enough information to the lead agency to evaluate the pros and cons of providing water to the project. (*Vineyard, supra*, 40 Cal. 4th at 431; *Santiago, supra*, 118 Cal. App. 3d at pp. 829-831.) This will necessarily require information regarding the project’s water demand as well as the quantity of water that is available to serve the project.

Subdivision (f)(2) – Environmental Impacts of Supplying the Water

Subdivision (f)(2) states the requirement to analyze the environmental effects of supplying water to the project. This sentence further specifies that the analysis must account for all phases of the project. (*Vineyard, supra*, 40 Cal. 4th at 431 (“an adequate environmental impact analysis for a large project, to be built and occupied over a number of years, cannot be limited to the water supply for the first stage or the first few years”).) This is an important clarification because the water supply assessment and verification statutes only require looking twenty years into the future. Some projects may have a lifespan of fifty or more years. In that circumstance, some degree of forecasting may be required. (CEQA Guidelines § 15144.) Pure speculation, however, is not required. (*Id.* at § 15145.)

Additionally, the focus of this subdivision should be on the environmental impacts associated with a particular water supply. (*Vineyard, supra*, 40 Cal. 4th at 434 (the “ultimate question under CEQA ... is not whether an EIR establishes a likely source of water, but whether it adequately addresses the reasonably foreseeable impacts of supplying water to the project”) (emphasis in original).) For example, after establishing the amount of water a project will need, the analysis might examine whether supplying that amount from groundwater might lead to subsidence or unsafe yield, or whether diverting that amount from surface flow might adversely affect fish and wildlife.

Subdivision (f)(3) – Circumstances Affecting the Likelihood of Supplies

Since water supply availability is variable in California, subdivision (f)(3) requires acknowledging any circumstances that might affect the availability of water supplies identified for a project. (*Vineyard, supra*, 40 Cal. 4th at 432 (an environmental document “must address the impacts of likely future water sources, and the EIR’s discussion must include a reasoned analysis of the circumstances affecting the likelihood of the water’s availability”).) The magnitude of variability should also be disclosed. (*Id.* at p. 434 (“an EIR may satisfy CEQA if it acknowledges the degree of uncertainty involved”).) Subdivision (f)(3) also provides a list of circumstances that might potentially affect water supplies, including but not limited to: “drought, salt-water intrusion, regulatory or contractual curtailments, and other reasonably foreseeable demands on the water supply.”

Subdivision (f)(4) – Alternatives and Mitigation

Subdivision (f)(4) provides that when supplies for the project are not certain, the analysis should address alternatives. (*Vineyard, supra*, 40 Cal. 4th at 432.) Again, the focus of the analysis should be on the environmental impacts that would flow from using those alternative sources of supply. (*Ibid.*) However, the level of detail of that analysis need not be as great as that provided for the project itself. (See, CEQA Guidelines § 15126.6(d) (“If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed”).) Thus, subdivision (f)(4) states that the analysis of impacts from alternative sources should be stated “at least in general terms.” (*Napa Citizens for Honest Government v. Napa County Bd. of Sup.* (2001) 91 Cal. App. 4th 342, 373.) Further, subdivision (f)(4) provides that in addition to analyzing alternative water supplies when identified supplies are uncertain, a lead agency may also consider project alternatives that require less water. For example, if supplies are certain up to a certain amount, a lead agency should be able to consider alternative project designs that would use less water and that could be confidently served.

Finally, subdivision (f)(4) provides that if water supplies are not certain, and if the agency has fully analyzed water supply availability as described above, curtailing later project phases may be an appropriate mitigation measure.

Necessity

The additions are necessary to ensure that the CEQA Guidelines are consistent with current case law. The amendments will ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency’s Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with the Public Resources Code as well as current case law. The proposed action adds no new substantive requirements. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

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15168. PROGRAM EIR

Specific Purposes of the Amendment

Administrative efficiency has long been an explicit policy in CEQA. (See Pub. Resources Code, § 21003(f) (statement of legislative intent that "[a]ll persons and public agencies involved in the environmental review process be responsible for carrying out the process in the most efficient, expeditious manner in order to conserve the available financial, governmental, physical, and social resources with the objective that those resources may be better applied toward the mitigation of actual significant effects on the environment").) The CEQA Guidelines encourage efficiency in several ways, including the provisions regarding program EIRs.

Program EIRs can be used to evaluate a series of connected actions, such as adoption and implementation of regulations or land use plans, in one environmental document. Section 15168 of the CEQA Guidelines governs the preparation and later use of program EIRs. It suggests that program EIRs are particularly useful in addressing big picture alternatives and cumulative impacts. When a program EIR is sufficiently detailed, later activities may be approved on the basis of that document without conducting further environmental review. The key question in determining whether additional review is required is whether the later activity falls "within the scope" of the program analyzed in the EIR. (CEQA Guidelines, § 15168(c)(2).)

Courts have treated the determination of whether an activity is within the scope of a program EIR to be a question of fact to be resolved by the lead agency. Several organizations representing CEQA practitioners have suggested that additional guidance should be provided to help lead agencies make that determination. (See, "[Recommendations for Updating the State CEQA Guidelines](#)," American Planning Association, California Chapter; Association of Environmental Professionals; and Enhanced CEQA Action Team (August 30, 2013).)

In response to those cases, and suggestions from stakeholders, the Natural Resources Agency updated Section 15168 on Program EIRs.

First, the additions to subdivision (c)(2) clarify that the determination of whether a later activity falls within the scope of the program EIR is a question of fact to be resolved by the lead agency, and supported with substantial evidence in the record. This addition implements judicial opinions that have addressed the issue. (See, e.g., *Citizens for Responsible Equitable Environmental Development v. City of San Diego Redevelopment Agency* (2005) 134 Cal.App.4th 598, 610 (*CREED*) (“the fair argument standard does not apply to judicial review of an agency’s determination that a project is within the scope of a previously completed EIR”); *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1320-1321 (“evidence does not support a determination that [the] proposed site-specific project was either the same as or within the scope of the project, program, or plan described in the program EIR”).)

Second, the additions to subdivision (c)(2) provide a list of factors that may assist a lead agency in determining whether a later activity is within the scope of a program EIR. Again, those factors have been recognized in judicial opinions as being instructive. Those factors include:

- Consistency with allowable land uses included in the project description (*compare Sierra Club, supra*, 6 Cal.App.4th at pp. 1320-1321 (later activity could not have been within the scope of the prior EIR because it involved engaging “in terrace mining on land which was specifically designated in the Plan as an agricultural resource”) *with CREED, supra*, 134 Cal.App.4th at p. 616 (“the Community Plan designated the area where the hotel [project] is to be built as a “Commercial/Office District” in which “hotels and motels” would be emphasized as among the allowable land uses”));
- Consistency with densities and building intensities included in the project description (see *ibid* (the “MEIR forecast[ed] that a total of 5,880 additional hotel rooms would be constructed over a 35-year period within the Planning Area, and expressly contemplate[d] the completion of the Horton Plaza Redevelopment Project, which the hotel project will complete”));
- Being within the geographic area that the program EIR analyzed for potential impacts (see, e.g., *Santa Teresa Citizen Action Group v. City of San Jose* (2003) 114 Cal.App.4th 689, 704 (the project “will use recycled water in the same way and in the same general location evaluated by the previous studies”));
- Being included in the infrastructure described in the program EIR (see *ibid*).

Notably, this list of factors is not intended to be exclusive.

Third, the Natural Resources Agency added a sentence to subdivision (c)(1) to clarify how to proceed with the analysis of a later activity that a lead agency determines is not “within the scope” of the program EIR. Specifically, the new sentence states that if additional analysis is needed, that analysis should follow the tiering process described in section 15152. This addition is necessary to clarify that even if a project is not “within the scope” of a program EIR, the lead agency might still streamline the

later analysis using the tiering process. This might allow a lead agency, for example, to focus the analysis of the later activity on effects that were not adequately analyzed in the program EIR. (See CEQA Guidelines, § 15152(d).) This addition promotes administrative efficiency. (Pub. Resources Code, § 21093(b) (“environmental impact reports shall be tiered whenever feasible”).) This addition also follows the analysis in the *Sierra Club* decision, which addressed the relationship between program EIRs and tiering. (*Sierra Club, supra*, 6 Cal.App.4th at pp. 1320-1321 (because the project was not within the scope of the program EIR, “section 21166 was inapplicable, and the [agency] was obligated by section 21094, subdivision (c), to consider whether [the] site- specific new project might cause significant effects on the environment that were not examined in the prior program EIR”).)

Fourth, in subdivision (c)(5), the Natural Resources Agency notes that program EIRs will be most useful for evaluating later activities when those activities have been included in the program EIR’s project description. (*CREED, supra*, 134 Cal.App.4th at p. 616.)

Finally, the Natural Resources Agency made minor word changes throughout this section to improve clarity.

Necessity

This addition is necessary to clarify rules from case law governing whether a project is “within the scope” of a program EIR. These additions are also necessary to assist lead agencies in making the CEQA process as efficient as possible. Finally, these changes are necessary to ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency’s Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency’s determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with the Public Resources Code as well as current case law and to add clarity. The proposed action adds no new substantive requirements. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15182. RESIDENTIAL PROJECTS PURSUANT TO A SPECIFIC PLAN

Specific Purposes of the Amendment

In 1978, Governor Brown adopted California's first Environmental Goals and Policy Report. Known as the Urban Strategy, it set forth key statewide environmental goals as well as an action plan to attain those goals. One of the recommendations in the action plan was to exempt certain types of projects that are consistent with a specific plan from further CEQA review. ([An Urban Strategy for California](#) (February 1978), at p. 14.) Shortly after adoption of the Urban Strategy, the legislature created an exemption, found in the Government Code, for residential projects that are consistent with a specific plan. (See Gov. Code, § 65453 (added in 1979, later renumbered to section 65457).) That exemption is described in existing section 15182 of the CEQA Guidelines.

The exemption in the Government Code was much more limited than the Urban Strategy's original recommendation. First, its provisions were difficult to apply in practice. For example, if changed circumstances occurred, the exemption could not be used until a supplemental EIR was prepared to cover the entire specific plan, even if the analysis remained valid for the individual project. Second, rather than exempting a variety of uses, section 65457 exempts only purely residential development. Commercial projects, or even projects that included a commercial component, could not use the exemption. In the decades since the exemption was first enacted, planners have recognized that promoting mixed use developments may reduce land consumption, air pollution, and other environmental ills.

In 2013, Governor Brown's administration proposed, and the Legislature enacted, a set of amendments to CEQA designed to better align the statute with other environmental goals, including the reduction of greenhouse gas emissions and promotion of infill development. ([Senate Bill 743, Steinberg 2013](#).) One of those amendments added section 21155.4 to the Public Resources Code. That section resembles Government Code section 65457, but extends beyond purely residential projects to include commercial and mixed-use projects as well. The trigger for requiring additional review also is more closely tied to the project under consideration, instead of to the entire specific plan area. This expanded exemption is available to projects that are located near transit and that are consistent with regional plans for reducing greenhouse gas emissions.

Section 15182 of the CEQA Guidelines discusses special provisions regarding specific plans. The Natural Resources Agency updated existing CEQA Guidelines section 15182 to reflect the new exemption in Public Resources Code section 21155.4 as well as the exemption in Government Code section 65457. The Agency included cross-references for further clarification to alert planners of the relevant statute of limitations. The specific amendments are explained in detail below.

Subdivision (a)

The Natural Resources Agency reorganized section 15182 to describe both the exemption in Public Resources Code section 21155.4 as well as the exemption in Government Code section 65457. As amended, subdivision (a) is a general section that points to the more specific provisions in subdivisions (b) and (c). Importantly, subdivision (a) clarifies that a specific plan is a plan that is adopted pursuant to the requirements set forth in Article 8, Chapter 3 of the Government Code. This clarification is necessary because cities and counties may give qualifying plans various titles, such as Master Plan or Downtown Plan. So long as the plan includes the contents described in the Government Code, it should enable use of the exemptions described in section 15182.

Subdivision (b)

As amended, subdivision (b) contains the provisions applicable to projects within transit priority areas.

Subdivision (b)(1) describes the eligibility criteria for use of the exemption. Those eligibility criteria are drawn directly from Section 21155.4(a). Notably, while section 21155.4 uses the term “employment center project,” proposed subdivision (b)(1) clarifies that term by referring to a commercial project with a floor area ratio of at least 0.75. (See Pub. Resources Code § 21099(a)(1) (defining “employment center project”).

Subdivision (b)(2) describes the limitation to the exemption. Specifically, it clarifies that additional review may be required if the project triggers one of the requirements for further review described in section 15162. New review may be required if, for example, the project requires changes in the specific plan that would result in new or worse significant impacts, or if circumstances have changed since adoption of the specific plan that would lead to new or worse significant impacts.

Subdivision (b)(3) includes a cross reference to the statute of limitation periods described in section 15112. This subdivision is necessary to alert planners that, unlike the exemption in section 65457 which provides for a 30 day statute of limitations regardless of whether a notice of exemption is filed, the exemption in section 21155.4 is subject to CEQA’s normal statute of limitations.

Subdivision (c)

As amended, subdivision (c) contains the provisions that apply to purely residential projects. The content in subdivision (c) largely mirrors the text in existing section 15182. The Natural Resources Agency made several clarifications, however. For example, section 15182 currently states that no further environmental impact report or negative declaration is required for residential projects that are consistent with a specific plan. Section 65457 actually states that such projects are exempt from any of CEQA requirements, not just preparation of a new environmental document. Therefore, the Agency clarified in subdivision (c) that such projects are exempt.

Also, the Natural Resources Agency pulled the existing description of the special statute of limitations into subdivision (c)(3).

Subdivision (d)

Subdivision (d) in existing section 15182 allows local governments to collect fees to cover the cost of preparing a specific plan. That authority is found in Government Code section 65456. Because fees may be collected to cover the preparation of specific plans, regardless of whether the plans cover residential, commercial or other uses, the Natural Resources Agency has left subdivision (d) as currently written.

Necessity

This clarification is necessary to alert planners to the important differences between two similar statutory exemptions for projects that are consistent with a specific plan. Additionally, clarification is necessary to alert planners of the relevant statute of limitations. The amendments will ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with current law. The proposed action adds no new substantive requirements. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15222. PREPARATION OF JOINT DOCUMENTS

Specific Purposes of the Amendment

This section strongly encourages state and local agencies to work with the federal agency involved with the same projects.

The Natural Resources Agency amended CEQA Guidelines section 15222 to add a sentence encouraging a lead agency to enter into a Memorandum of Understanding with appropriate Federal agencies. This addition will encourage increased cooperation between the state and Federal agencies to coordinate project requirements, timelines, and reduce duplication under CEQA and NEPA provisions. The White House Council on Environmental Quality and the California Governor's Office of Planning and Research (OPR) jointly prepared a handbook, "NEPA and CEQA: Integrating Federal and State Environmental

Reviews,” that included a sample Memorandum of Understanding to assist state and Federal agencies in this process. (Available online at http://opr.ca.gov/docs/NEPA_CEQA_Handbook_Feb2014.pdf.)

Necessity

This amendment is necessary to ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency’s Reasons for Rejecting Those Alternatives

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15234. REMEDIES AND REMAND

Specific Purposes of the Amendment

CEQA is in most instances enforced through a form of judicial review known as a writ of mandate proceeding.⁵ In reviewing a petition for writ of mandate, the court examines an agency’s administrative record to determine whether it properly implemented CEQA in connection with a project approval. If the court concludes that the agency did not comply with CEQA, it may order the agency to take further action before proceeding with the project. At that

⁵ Exceptions apply where challenges to certain types of agency actions specifically require a different procedure. For example, Government Code section 56103 requires that any challenge to any change of organization, reorganization, or sphere of influence determination approved by a local agency formation commission be accomplished through a validating action pursuant to Code of Civil Procedure section 860 et seq. (See *Protect Agricultural Land v. Stanislaus County Local Agency Formation Com.* (2014) 223 Cal.App.4th 550.)

point, questions may arise regarding what further environmental review is needed, and what project activities, if any, may continue while the agency takes further action. Proposed new section 15234 will assist agencies in complying with CEQA in response to a court's remand, and help the public and project proponents understand the effect of the remand on project implementation. Specifically, proposed new section 15234 reflects the language of the statutory provision governing remedies in CEQA cases, Public Resources Code section 21168.9, as well as case law interpreting that statute.

The Natural Resources Agency added a new section to the CEQA Guidelines, Section 15234, to codify the California Supreme Court's ruling in *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal. 4th 439, among other cases interpreting Section 21168.9. The court in that case held that not every violation of CEQA will compel a court to set aside project approvals and further explained that the court may order the agency to set aside all or a portion of the project approvals, and may require the agency to conduct additional environmental review.

Subdivision (a) of new Section 15234 is necessary to explain to public agencies and the public how CEQA litigation may affect project implementation. First, it clarifies that not every violation of CEQA will compel a court to set aside project approvals. Public Resources Code Section 21005 provides that "courts shall continue to follow the established principle that there is no presumption that error is prejudicial." The California Supreme Court recently reiterated that "[i]nsubstantial or merely technical omissions are not grounds for relief." (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal. 4th 439, 463.) In order to justify setting aside a project approval, a violation must "preclude relevant information from being presented to the public agency." (Pub. Resources Code, § 21005, subd. (a).)

Second, subdivision (a) states that, except as provided in Public Resources Code section 21168.9 itself, CEQA does not limit the traditional equitable powers of the judicial branch and that remedies may be tailored based on the circumstances of the project. It further explains that the court may order the agency to set aside all or a portion of the project approvals, and may require the agency to conduct additional environmental review.

Next, subdivision (b) clarifies that in certain circumstances, portions of the project approvals or the project itself may proceed while the agency conducts further review. Specifically, Section 21168.9 of the Public Resources Code provides that a court may allow certain project approvals or activities to proceed as long as continued implementation of the project would not prevent the agency from fully complying with CEQA. In 1993, the legislature amended that section "to expand the authority of courts to fashion a remedy that permits a part of the project to continue while the agency seeks to correct its CEQA violations." (*Poet, LLC v. State Air Resources Bd.* (2013) 218 Cal.App. 4th 681, 756.)

Next, subdivision (c) codifies the outcome in *Poet, LLC v. State Air Resources Bd.* (2013) 218 Cal. App. 4th 681, in which the Court of Appeal found that the California Air Resources Board had

failed to fully comply with CEQA in enacting Low Carbon Fuel Standards regulations, but nevertheless exercised its equitable discretion to leave the challenged regulations in place during the remand period. The court reasoned that a remedy that left the regulations in place would achieve a higher level of environmental protection than would a remedy that left them inoperative.

Finally, subdivision (d) addresses how an agency should proceed with additional environmental review if required by a court. Specifically, it indicates that where a court upholds portions of an agency's environmental document, additional review of topics covered in the upheld portions is only required if the project or circumstances surrounding the project have changed in a way that results in new or worse environmental impacts. To illustrate, assume that a court concludes that an agency's analysis of noise impacts is inadequate, but that the remainder of its environmental impact report complies with CEQA. The agency may prepare a revised environmental impact report that focuses solely on noise. It would only need to revise the air quality analysis, for example, if the agency concluded that changes in the circumstances surrounding the project would result in substantially more severe air quality impacts.

Necessity

The new CEQA Guidelines section is necessary to explain to public agencies how CEQA litigation may affect project implementation and to ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency's determination that the proposed action is necessary to update the CEQA Guidelines to clarify existing case law. The proposed action adds no new substantive requirements. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15269. EMERGENCY PROJECTS.

Specific Purposes of the Amendment

This section identifies the emergency exemptions from CEQA. The Natural Resources Agency amended subdivisions (b) and (c) of Section 15269. Currently, subdivisions (b) and (c) state that emergency repairs may be exempt under CEQA and that this exemption does not apply to long-term projects undertaken for the purpose of preventing or mitigating an emergency. The Agency added a sentence to subdivision (b) clarifying that emergency repairs may require planning and qualify under this exemption. Further, the Agency added two subsections under subdivision (c) clarifying how imminent an emergency must be to fall within the statutory exemption. (See *CalBeach Advocates v. City of Solana Beach* (2002) 103 Cal.App.4th 529, 537 (emergency repairs need not be “unexpected” and “in order to design a project to prevent an emergency, the designer must anticipate the emergency”).

Necessity

These additions are necessary to clarify the application of this emergency exemption and to maintain consistency with a Court of Appeal decision stating that an emergency repair may be anticipated and to ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency’s Reasons for Rejecting Those Alternatives

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The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15301. EXISTING FACILITIES

Specific Purposes of the Amendment

Section 15301 of the CEQA Guidelines exempts ongoing operations and minor alterations of existing facilities from CEQA. The key in determining whether the exemption applies is whether the project involves an expansion to an existing use. Projects that involve no or only a negligible expansion may be exempt. This exemption plays an important role in implementing the state's goal of prioritizing infill development.

The Natural Resources Agency made two changes to Section 15301.

The first change appears in the first sentence of the exemption. It deletes the phrase "beyond that existing at the time of the lead agency's determination." Stakeholders noted that this phrase could be interpreted to preclude use of the exemption if a facility were vacant "at the time of the lead agency's determination," even if it had a history of productive use, because compared to an empty building, *any* use would be an expansion of use. (See, [Comments of the Building Industry Association](#), August 30, 2013.) Such an interpretation is inconsistent with California's policy goals of promoting infill development.

It would also not reflect recent case law regarding "baseline." Those cases have found that a lead agency may look back to historic conditions to establish a baseline where existing conditions fluctuate, again provided that it can document such historic conditions with substantial evidence. (See *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 327-328 ("Environmental conditions may vary from year to year and in some cases it is necessary to consider conditions over a range of time periods") (quoting *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 125); see also *Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316.)

The phrase at issue was apparently added in response to *Bloom v. McGurk* (1994) 26 Cal.App.4th 1307. The court in that case was asked to decide whether the fact that the facility in question had never undergone CEQA review triggered an exception to the exemption. In analyzing that question, the court in *Bloom* relied on the analysis of a prior Supreme Court decision. It explained:

Under *Wine Train's* analysis, the term "existing facility" in the class 1 exemption would mean a facility as it exists at the time of the agency's determination, *rather than a facility existing at the time CEQA was enacted*. For purposes of the exception to the categorical exemptions, "significant effect on the environment" would mean a change in the environment existing at the time of the agency's determination, rather than a change in the environment that existed when CEQA was enacted.

(*Id.* at p. 1315 (citing *Napa Valley Wine Train, Inc. v. Public Utilities Com.* (1990) 50 Cal.3d 370, 378, fn. 12) (emphasis added).) Nothing in that decision indicates, however, that a lead agency could not consider actual historic use in deciding whether the project would expand beyond that use.

The second change appears in subdivision (c). The purpose of this change is to clarify that improvements within a public right of way that enable use by multiple modes (i.e., bicycles, pedestrians, transit, etc.) would normally not cause significant environmental impacts. This change is consistent with the Complete Streets Act of 2008, which requires cities and counties to plan for the needs of all users of their streets. In this regard, because such improvements involve operation of public rights of way, they may be similar to the imposition of water conservation requirements for existing water facilities (see, *Turlock Irrigation Dist. v. Zanker* (2006) 140 Cal. App. 4th 1047, 1065), or the regulation of the right of way for parking (see, *Santa Monica Chamber of Commerce v. City of Santa Monica* (2002) 101 Cal.App.4th 786, 793 (“it is clear that the Class 1 exemption applies to the legislation/project here[; it] involves adjusting the particular group of persons permitted to use ‘existing facilities,’ in other words, the existing, unmetered, curbside parking on residential streets”)). Improvements to the existing right of way have long been understood to fall within the category of activities in subdivision (c), provided that the activity does not involve roadway widening. (See, *Erven v. Board of Supervisors* (1975) 53 Cal. App. 3d 1004.)

Necessity

These additions are necessary to maintain consistency between this CEQA Guideline section and current case law. These additions are also necessary to ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency’s Reasons for Rejecting Those Alternatives

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15357. DISCRETIONARY PROJECT

Specific Purposes of the Amendment

The Natural Resources Agency has amended Section 15357 to clarify that a discretionary project is one in which a public agency can shape the project in any way to respond to concerns raised in an environmental impact report. This addition reflects various cases distinguishing the term “discretionary” from the term “ministerial.” (See, e.g., *Friends of Westwood, Inc. v. City of Los Angeles* (1987) 191 Cal.App.3d 259, 267 (“[T]he touchstone is whether the approval process involved allows the government to shape the project in any way that could respond to any of the concerns ... in an environmental impact report”).) The California Supreme Court and Fourth District Court of Appeal have consistently followed this interpretation. (See, e.g., *Mountain Lion Foundation v. Fish & Game Comm.* (1997) 16 Cal.4th 105, 177; *San Diego Navy Broadway Complex Coalition v. City of San Diego* (2010) 185 Cal.App.4th 924, 933; *Friends of Juana Briones House v. City of Palo Alto* (2010) 190 Cal.App.4th 286, 299.) This clarification is necessary to maintain consistency in determining “discretionary” projects and to improve practitioners’ ability identify when a project is required to complete environmental review under CEQA.

The Natural Resources Agency also added the words “fixed standards” to the end of the first sentence in the definition to be consistent with the holding in *Health First v. March Joint Powers Authority* (2009) 174 Cal. App. 4th 1135. Notably, the definition of “discretionary” in these Guidelines should be read in context with other statutes. For example, Government Code sections 65583(a)(4) and 65583.2(h) require that local governments zone specified areas for specified uses for “use by right.” In those circumstances, local government review cannot be considered discretionary pursuant to CEQA.

Necessity

This clarification is necessary to maintain consistency in determining “discretionary” projects and to improve practitioners’ ability identify when a project is required to complete environmental review under CEQA. This change is necessary to ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would lessen Any Adverse Impact on Small Business, and the Resources Agency’s Reasons for Rejecting Those Alternatives

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objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

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15370. MITIGATION

Specific Purposes of the Amendment

The definition of the term “mitigation” in the CEQA Guidelines originally mirrored the definition contained in the federal NEPA regulations. The Natural Resources Agency revised Section 15370 of the CEQA Guidelines, however, to clarify in the CEQA Guidelines that permanent protection of off-site resources through conservation easements constitutes mitigation. The proposed changes incorporate the First District Court of Appeal holding in *Masonite Corporation v. County of Mendocino* (2013) 218 Cal.App.4th 230 wherein the court ruled that off-site agricultural conservation easements constitute a potential means to mitigate for direct, in addition to cumulative and indirect, impacts to farmland.

Necessity

These additions are necessary to maintain consistency between this CEQA Guideline section and current case law. These additions are also necessary to ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

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APPENDIX G. ENVIRONMENTAL CHECKLIST FORM

Specific Purposes of the Amendment

Appendix G in the CEQA Guidelines contains a sample initial study format. The purpose of an initial study is to assist lead agencies in determining whether a project may cause a significant impact on the environment. (CEQA Guidelines, § 15063.) To help guide that determination, Appendix G asks a series of questions regarding a range of environmental resources and potential impacts. Appendix G's questions are not an exhaustive list of all potential impacts. (*Protect the Historic Amador Waterways, supra*, 116 Cal.App.4th at pp. 1109-1112 (seasonal reduction of surface flow in local streams may be an impact on the environment, even though that particular impact is not specifically listed in Appendix G).) For that reason, Appendix G advises that “[s]ubstantial evidence of potential impacts that are not listed on this form must also be considered.” Appendix G further advises that its environmental checklist is only a *sample* form that can be tailored to address local conditions and project characteristics.

When the checklist was originally developed, it contained only a handful of questions. Over time, the list of questions has grown in response to increasing awareness of the effects of development on the environment. Currently, the sample checklist contains 89 questions divided into 18 categories of potential impacts. Depending on the project's location and circumstances, the sample checklist questions may be both under- and over-inclusive. Because the purpose of an initial study is to provoke thought and investigation, and because the checklist cannot contain an exhaustive list, the sample in Appendix G should, in the Natural Resources Agency's view, contain questions that are (1) broadly worded, (2) highlight environmental issues *commonly* associated with *most* types of new development, and (3) alert lead agencies to environmental issues that might otherwise be overlooked in the project planning and approval process.

The Natural Resources Agency revised the sample environmental checklist in several ways. First, it reframed or deleted certain questions that should be addressed in the planning process to focus attention on those issues that must be addressed in the CEQA process. Second, it added questions that, although required by current law, tend to be overlooked in the environmental review process. Finally, it revised the questions related to transportation impacts, and wildfire risk as required by SB 743 and SB 1241, respectively, and relocated questions related to paleontological resources as required by AB 52 (Gatto, 2014).

While OPR originally proposed a far more streamlined and consolidated set of questions, stakeholders objected that confusion might ensue. The Natural Resources Agency agrees with OPR that further discussion of ways to streamline the checklist is appropriate. The changes in this package, however, are more narrowly tailored. A narrative description of the changes, and the intent behind those changes, is provided below.

Deleted or Consolidated Questions

The Natural Agency deleted or consolidated numerous questions from the Appendix G checklist. Those questions, and the reason that they were deleted, are discussed below.

Soils Incapable of Supporting Septic Systems: Regarding Geology and Soils, Appendix G currently asks whether a project would “[h]ave soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.” According to the [U.S. Environmental Protection Agency](#), inappropriately placed or operated septic systems may be a source of significant groundwater contamination. The Agency revised the questions in Appendix G related to water quality. Specifically, among other revisions, the Agency clarified that the question asking whether a project would “substantially degrade water quality” refers to both surface and ground water quality. Thus, as revised, the broader question about groundwater quality would capture not just impacts from inappropriately placed septic tanks, but also any other possible sources of uncontrolled leachate.

Conflicts with a Habitat Conservation Plan: Existing Appendix G asks whether a project would conflict with a habitat conservation plan and other related plans in two separate sections: biological resources and land use planning. The Agency deleted the question from the land use planning section. The question in the biological resources section remains unchanged.

Wastewater Treatment Requirements: In the section on utilities, Appendix G currently asks whether a project would exceed wastewater treatment requirements of an applicable regional water quality control board. Similarly, in the water quality section, Appendix G asks whether a project would violate any waste discharge requirements. Since the question in the water quality section would encompass wastewater treatment requirements as well as other water quality standards, the Agency deleted the question from the utilities section.

Updated Considerations

As part of the reorganization of Appendix G, the Natural Resources Agency also updated some considerations or questions to the checklist. Those considerations, and the reason that they have been revised, are discussed below.

Aesthetics: Existing Appendix G asks whether a project would degrade the existing visual character of a site. Visual character is a particularly difficult issue to address in the context of environmental review, in large part because it calls for exceedingly subjective judgments. Both federal and state courts have struggled with the issue of precisely what questions related to aesthetics are relevant to an analysis of environmental impact. (See, e.g., *Maryland-National Cap. Pk. & Pl. Com'n. v. U.S. Postal Serv.* (D.C. Cir. 1973) 159 U.S. App. D.C. 158; see also *Bowman v. City of Berkeley* (2006) 122 Cal.App.4th 572.) As a practical matter, infill projects are often challenged on the grounds of aesthetics. (See, e.g., Pub. Resources Code, § 21099(d) (exempting certain types of infill projects from the requirement to analyze aesthetics).)

For these reasons, the Natural Resources Agency recast the existing question on “visual character” to ask whether the project is consistent with zoning or other regulations governing visual character. This

change is intended to align with the analysis of the aesthetics issue in the *Bowman* case, *supra*. The court in that case, which involved a challenge to a multifamily residential project in an urban area, noted:

Virtually every city in this state has enacted zoning ordinances for the purpose of improving the appearance of the urban environment” ..., and architectural or design review ordinances, adopted “solely to protect aesthetics,” are increasingly common.... While those local laws obviously do not preempt CEQA, we agree with the Developer and the amicus curiae brief of the Sierra Club in support of the Project that aesthetic issues like the one raised here are ordinarily the province of local design review, not CEQA.

(*Bowman, supra*, 122 Cal.App.4th at p. 593 (citations omitted).) This revision is also consistent with the proposed changes in sections 15064 and 15064.7 that recognize the appropriate role of environmental standards in a CEQA analysis.

Air Quality: Existing Appendix G asks whether the project would create objectionable odors. The Agency updated this question in several ways. First, the term “objectionable” is subjective. Sensitivities to odors may vary widely. Therefore, the Agency recast the question to focus on the project’s potential to cause adverse impacts to substantial numbers of people. (See *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 492–493 (“Under CEQA, the question is whether a project will affect the environment of persons in general, not whether a project will affect particular persons”); see also *Banker’s Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 279.) Similarly, the Agency included odor as one of several examples of potential localized air quality impacts.

Biological Resources and State Wetlands: Appendix G currently asks whether a project would substantially adversely affect a federally protected wetland. California law protects all waters of the state, while the federal Clean Water Act governs only “navigable waters”. Because nothing in CEQA’s definition of environment limits consideration to federally regulated resources, the Agency clarified in Appendix G that lead agencies should consider impacts to wetlands that are protected by either the state or the federal government.

Cultural Resources: AB 52 required an update to Appendix G to separate the consideration of paleontological resources from tribal cultural resources and update the relevant sample questions, and to add consideration of tribal cultural resources with relevant sample questions. In September 2016, the Office of Administrative Law approved changes to Appendix G adding consideration of tribal cultural resources. This current package includes an amendment to Appendix G that separates the consideration of paleontological resources from cultural resources, and includes consideration of paleontological resources among the relevant sample questions related to geology and soils.

Energy: As explained in the discussion of proposed amendments to section 15126.2, CEQA has long required analysis of energy impacts. (Pub. Resources Code, § 21100(b)(3) (added in 1974, requiring EIRs to include measures to avoid wasteful and inefficient uses of energy); *California Clean Energy Com. v.*

City of Woodland (2014) 225 Cal.App.4th 173.) However, the description of the required analysis sits largely unnoticed in a stand-alone Appendix F. To better integrate the energy analysis with the rest of CEQA, the Agency replaced relevant questions regarding potential energy impacts to the sample environmental checklist that had been previously deleted from Appendix G.

Impervious Surfaces: Appendix G currently asks a series of questions about hydrology, one of which asks whether the project will alter the drainage patterns of the site through alteration of the course of a stream or river. Another relevant factor in determining the effect of a project on existing drainage systems, however, is how much impervious surfaces a project might add. (See State Water Resources Control Board, Non-Point Source Encyclopedia, § 3.1 ([Impervious Surfaces](#)).) OPR's Technical Advisory on "low impact design" identifies the development of new impervious surfaces as a contributor to non-point source pollution and hydromodification. (Office of Planning and Research, "[CEQA and Low Impact Development Stormwater Design: Preserving Stormwater Quality and Stream Integrity Through California Environmental Quality Act \(CEQA\) Review](#)" (August 2009).) Therefore, the Agency added "impervious surfaces" to the considerations in the hydrology portion of the checklist.

Notably, the proposed addition of impervious surfaces as a consideration is not intended to imply that *any* addition of impervious material will necessarily lead to a significant impact. Rather, the modified question asks whether the addition of impervious surface would lead to substantial erosion, exceed the capacity of stormwater drainage systems, etc. Also, some water quality permits do already address the addition of impervious surfaces, and, as provided in updated sections 15064 and 15064.7, a project's compliance with those requirements will be relevant in determining whether the added surfaces create a significant impact.

Geology and Soils: The Agency clarified questions in Appendix G related to geology and soils by suggesting that agencies consider direct and indirect impacts to those resources. This change is consistent with CEQA's general requirement that agencies consider the direct and indirect impacts caused by a proposed project. (See generally, Pub. Resources Code, §§ 21065 [definition of a "project"], 21065.3 [definition of a "project-specific effect"].) And as noted earlier, this package includes an amendment to Appendix G that separates the consideration of paleontological resources from cultural resources, and includes consideration of paleontological resources among the relevant sample questions related to geology and soils.

Groundwater: The Agency made two changes to the existing question in Appendix G asking about a project's impacts to groundwater. First, the existing question asks whether a project will "substantially *deplete*" groundwater supplies. The word "deplete" could be interpreted to mean "empty". Therefore, the Agency revised the question to ask whether the project would "substantially *decrease* groundwater supplies." Second, the existing question asks whether the project would lower the groundwater table level and provides the following example: "e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted." There are many other potential impacts that could result from lowering groundwater levels, including subsidence, altering surface stream hydrology, causing migration of contaminants, etc.

Therefore, the Agency deleted the example from the question. These changes are consistent with the new regime governing groundwater passed in 2014.

Land Use Plans: Appendix G currently asks whether a project conflicts with certain land use plans. The question largely mirrors section 15125(d), which requires an EIR to analyze any inconsistencies with any applicable plans. The Agency revised that question in two ways in order to better focus the analysis.

First, the Agency clarified that the focus of the analysis should not be on the “conflict” with the plan, but instead, on any adverse environmental impact that might result from a conflict. For example, destruction of habitat that results from development in conflict with a habitat conservation plan might lead to a significant environmental impact. The focus, however, should be on the impact on the environment, not on the conflict with the plan. (See, e.g., *Marin Mun. Water Dist. v. Kg Land Cal. Corp.* (1991) 235 Cal.App.3d 1652, 1668 (“A local agency engaged in EIR analysis may not ignore regional needs and the cumulative impacts of a proposed project. ... Thus the Guidelines require an EIR to discuss any inconsistencies between the proposed project and applicable general and regional plans”); see also Pub. Resources Code, § 21100(e) (“Previously approved land use documents, including, but not limited to, general plans, specific plans, and local coastal plans, *may be used in cumulative impact analysis*”) (emphasis added).) Application of a density bonus to exceed limits in a general plan or zoning, on the other hand, might not lead to any environmental impact. (See, e.g., *Wollmer v. City of Berkeley* (2009) 179 Cal.App.4th 933.)

Second, the Agency deleted the phrase “with jurisdiction over the project” from the question, again for the purpose of focusing the analysis on any *actual environmental impacts* that might result from the project. Finally, the Agency deleted the list of examples of plans from the question. Section 15125(d) contains numerous examples of potentially relevant land use plans, and so repetition in the question in Appendix G is not necessary.

Population Growth: Appendix G currently asks whether a project will cause substantial population growth. The Agency clarified that the question should focus on whether such growth is *unplanned*. Growth that is planned, and the environmental effects of which have been analyzed in connection with a land use plan or a regional plan, should not by itself be considered an impact.

Transportation: The Agency made several changes to the questions related to transportation in Appendix G. First, the Agency revised the questions related to “measures of effectiveness” so that the focus is more on the circulation element and other plans governing transportation. Second, the Agency deleted the second question related to level of service, and instead inserted a references to new Guideline section 16054.3, subdivisions (b), to focus on vehicle miles traveled where appropriate. Third, the Agency clarified the question related to design features.

Water Supply: Appendix G currently asks whether the project has adequate water supplies. The Agency updated the question to better reflect the factors identified by the Supreme Court in *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, as well as the water supply assessment and verification statutes. (Wat. Code, § 10910; Gov. Code, § 66473.7.)

Wildfire: Senate Bill 1241 (Kehoe, 2012) required the Office of Planning and Research, the Natural Resources Agency, and CalFire to develop “amendments to the initial study checklist of the [CEQA Guidelines] for the inclusion of questions related to fire hazard impacts for projects located on lands classified as state responsibility areas, as defined in section 4102, and on lands classified as very high fire hazard severity zones, as defined in subdivision (i) of section 51177 of the Government Code.” (Pub. Resources Code, § 21083.01 (emphasis added).) The Agency added several questions addressing this issue. Notably, while SB 1241 required the questions to address specific locations, it did not necessarily limit the analysis to those locations, and so the Agency posed the questions for projects located within “or near” those zones. Lead agencies will be best placed to determine precisely where such analysis is needed outside of the specified zones.

Corrected Typo

Finally, the Agency corrected a typo in the Note following question 11 in Appendix G. The Note briefly describes the tribal consultation process. It contains a reference to Public Resources Code Section 21083.3.2. The correct citation is 21080.3.2. The Agency discovered the typo after circulating the changes for public review. However, because the correction is a change without regulatory effect, pursuant to section 100(a)(4) of the Office of Administrative Law’s regulations governing the rulemaking process, no public review is required. (Cal. Code Regs., tit. 1, § 100(a)(4).)

Necessity

These changes are necessary to make the process simpler for lead agencies. These additions are also necessary to ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would lessen Any Adverse Impact on Small Business, and the Resources Agency’s Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency’s determination that the proposed action is necessary to update the CEQA Guidelines to clarify existing law. The proposed action adds no new substantive requirements. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

APPENDIX M. PERFORMANCE STANDARDS FOR INFILL PROJECTS ELIGIBLE FOR STREAMLINED REVIEW

Specific Purposes of the Amendment

Appendix M in the CEQA Guidelines contains the performance standards that must be met for the streamlined environmental review process for infill projects under CEQA Guidelines section 15183.3. The Natural Resources Agency corrected typographical errors in Sections 4.A, 4.C, and 4.E of Appendix M to be consistent with the previously adopted regulatory text.

Necessity

These changes are necessary to correct the typographical errors in Appendix M and thus to clarify the substantive requirements for performance standards applying to certain infill projects. These additions are also necessary to ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency's determination that the proposed action is necessary to update the CEQA Guidelines to clarify existing law. The proposed action adds no new substantive requirements. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action clarifies existing law by correcting typographical errors. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

APPENDIX N. INFILL ENVIRONMENTAL CHECKLIST FORM

Specific Purposes of Amendment

Existing Appendix N provides a sample checklist that is intended to assist lead agencies in assessing infill projects according to the procedures in Public Resources Code section 21094.5. The Agency added Appendix N in 2013 when it added section 15183.3. In creating Appendix N, the Agency patterned the sample checklist on Appendix G, which also provides a sample environmental checklist that may be used by lead agencies in determining whether a project may cause a significant impact on the environment. In this package, the Agency updated Appendix N to be consistent with the changes to Appendix G, described above.

Necessity

These changes are necessary to make it simpler for lead agencies. These additions are also necessary to ensure that the CEQA Guidelines best serve their function of providing comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency's determination that the proposed action is necessary to update the CEQA Guidelines to clarify existing law. Additionally, the proposed action adds no new substantive requirements. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The action implements and clarifies existing law. Because the proposed action does not add substantive requirements, it will not result in an adverse impact on businesses in California. Appendix N, like Appendix G, advises that its environmental checklist is only a sample form that can be tailored to address local conditions and project characteristics.

Determinations

C. No Imposition of a Mandate on Local Agencies and School Districts

CEQA only applies to discretionary actions undertaken by public agencies, including school districts. Therefore, the proposed regulations do not impose any mandate on local agencies or school districts.

D. Master Responses

Many comments submitted on the CEQA Guideline Update raised similar issues. The following are responses that address many of those commonly raised themes.

1. The New CEQA Guideline Regarding Transportation Squarely Reflects Legislative Direction in Senate Bill 743 (Steinberg, 2013).

Some comments suggested that the Legislature never intended to make changes outside of urban areas, and so the Agency has exceeded the scope of its authority. The Agency disagrees.

Senate Bill 743 stated the policy that CEQA analysis of transportation impacts needed to be updated to be consistent with California's climate objectives. (Senate Bill 743, Steinberg 2013, § 1(a)(1) (noting prior legislation in which "the Legislature signaled its commitment to encouraging land use and transportation planning decisions and investments that reduce vehicle miles traveled and contribute to the reductions in greenhouse gas emissions").) Specifically, the Legislature stated:

New methodologies under the California Environmental Quality Act are needed for evaluating transportation impacts that are better able to promote the state's goals of reducing greenhouse gas emissions and traffic-related air pollution, promoting the development of a multimodal transportation system, and providing clean, efficient access to destinations.

(*Id.* at subd. (a)(2).) To achieve that policy, the legislation required the Agency to adopt changes to the CEQA Guidelines "establishing criteria for determining the significance of transportation impacts of projects[.]" (Public Resources Code § 21099(b)(1).) While the statute required the change to be implemented within transit priority areas, it authorized the change to extend beyond those areas in the Agency's discretion. (*Id.* at subd. (c)(1).) Finally, the legislation suggested several potential metrics that could be used to measure transportation impacts, including "vehicle miles traveled, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated." (*Id.* at subd. (b)(1).)

In sum, Senate Bill 743 required a change in the way that agencies evaluate transportation impacts, and left to the Agency to identify, following a public process, the metric to measure such impacts and the most appropriate geographic scope of the change. The Agency finds that proposed Section 15064.3 falls squarely within the authority provided in the Public Resources Code.

The Agency's reasons to identify vehicle miles traveled as the measure of transportation impact, and to apply the new rules statewide, are explained in greater detail below.

2. Vehicle Miles Traveled is the Most Appropriate Measure of Transportation Impacts.

Some comments argued that the CEQA Guidelines should either maintain the status quo, or that vehicle miles traveled was not the best measure of transportation impacts.

Shortly after SB 743 was enacted, the Governor's Office of Planning and Research released its evaluation of various potential metrics, and invited public input on that evaluation. (See OPR, *Preliminary Evaluation of Alternative Methods of Transportation Analysis* (December 30, 2013).) The measures evaluated included:

- Vehicle miles traveled
- Automobile Trips Generated
- Multi-Modal Level of Service
- Fuel Use
- Motor Vehicle Hours Traveled

Having considered public input on the evaluation of these alternatives, OPR identified vehicle miles traveled as the most appropriate measure of transportation impacts. The Agency concurs with OPR's recommendation, for several reasons.

First, as noted in OPR's Preliminary Evaluation, the Legislature specifically recommended vehicle miles traveled. (Pub. Resources Code § 21099(b)(1) (OPR "shall recommend potential metrics to measure transportation impacts that may include ... vehicle miles traveled"); see also SB 743 (2013), § 1(a)(1) (noting Legislature's "commitment to encouraging land use and transportation planning decisions and investments that reduce vehicle miles traveled").)

Second, vehicle miles traveled achieves the purposes set forth in the statute. SB 743 required the new transportation metric to "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." Vehicle miles traveled strongly correlates with greenhouse gas emissions. Thus, reducing vehicle miles traveled is likely to reduce greenhouse gas emissions. Further, since transit, bicycle and pedestrian projects reduce vehicle miles traveled, and this proposal presumes that such projects will result in a less than significant impact, measuring vehicle miles traveled promotes multimodal transportation networks. (See Handy, Susan, et al. "Impacts of Transit Service Strategies on Passenger Vehicle Use and Greenhouse Gas Emissions." California Air Resources Board, Oct. 2013, https://www.arb.ca.gov/cc/sb375/policies/transitservice/transit_brief.pdf [discussing how improved transit service reduces VMT]; Handy, Susan, et al. "Impacts of Bicycling Strategies on Passenger Vehicle Use and Greenhouse Gas Emissions." California Air Resources Board, Sept. 2014, https://www.arb.ca.gov/cc/sb375/policies/bicycling/bicycling_brief.pdf [concluding that better cycling facilities and infrastructure reduce VMT]; Handy, Susan, et al. "Impacts of Pedestrian Strategies on Passenger Vehicle Use and Greenhouse Gas Emissions," California Air Resources Board, Sept. 2014, https://www.arb.ca.gov/cc/sb375/policies/ped/walking_brief.pdf [concluding that improved pedestrian facilities and infrastructure reduce VMT].) Finally, because mixed-use projects tend to reduce the need for driving, vehicle miles traveled is more likely to result in projects with a diversity of land uses. (Spears, Steven, et al. "Impacts of Land-Use Mix on Passenger Vehicle Use and Greenhouse Gas Emissions." California Air Resources Board, Sept. 2014, https://arb.ca.gov/cc/sb375/policies/mix/lu-mix_brief.pdf.)

In addition to meeting the statutory objectives in SB 743, the Agency finds that lowering vehicle miles traveled may also result in numerous public and private benefits. As explained in the Agency's Standardized Regulatory Impact Assessment, focusing on vehicle miles traveled instead of congestion in a CEQA analysis is anticipated to result in significant cost savings. Those savings result because studies are quicker and easier to perform, which reduces both the cost of the study but also the time spent on environmental review. The SRIA also explained that lowering vehicle miles traveled would also

- Better health and avoided health care costs
- Reduction in transportation, building energy, and water costs
- Reduction in travel times to destinations
- Cleaner water

The Agency received comments supporting the proposal from a broad cross-section of stakeholders that included, among others, developers of infill housing, local governments, environmental and public health organizations, and social equity advocates. Key points included:

- “San Francisco took a leadership position when we became the first county in California to remove automobile delay and adopt Vehicle Miles Traveled (VMT) as a measurement of transportation impacts in CEQA. We recognized that the prior paradigm of automobile delay was not allowing for the development and maintenance of a high-quality environment now and in the future, a legislative intent of CEQA; and it conflicted with numerous state, regional, and local plans, ordinances, and policies. *Two years later, we are seeing the benefits of this change as numerous transportation projects and infill developments that previously would have gone through time-consuming, costly vehicular level of service analysis with no beneficial environmental outcomes, are on the ground, approved, or under construction.*” – City and County of San Francisco (emphasis added) (Comment 5.3)
- “The transition to using Vehicle Miles Traveled (VMT) for the analysis of transportation impacts, pursuant to Senate Bill (SB) 743, is an exciting and important change. This change gives cities and the State a new tool to address numerous mutual goals including achieving climate action targets, increasing livability and access, and relieving the affordable housing crisis. Our city leaders express support for this change as demonstrated in the attached letter to OPR last July. We recognize the responsibility of local jurisdictions to plan for future development in areas that will result in low VMT outcomes. The State's leadership in advancing to a VMT-based metric will help achieve this outcome.” – City of Long Beach, et al.
- “The replacement of LOS with VMT will improve transit service and walkability, benefiting low-income households who are more likely to take transit and walk. In addition, the proposed guidelines will help streamline the development process of housing in low-VMT and transit-oriented locations, thereby helping increase the supply of housing options in areas with low transportation costs.” – Climate Plan, et al.
- “Through its focus on infill development and greenhouse gas reduction, implementation of SB 743 will serve to facilitate achievement of many of the regional goals identified in our adopted 2016 RTP/SCS, specifically those pertaining to *regional sustainability, improving transportation*

system efficiency, providing more and better mobility options including transit and active transportation, encouraging construction of more affordable housing, improved air quality, and promoting environmental preservation. These beneficial outcomes will improve economic, quality of life, and public health performance in the SCAG region and throughout the state while also supporting critical regional investments, particularly in active transportation and transit.” – Southern California Association of Governments (emphasis added)

- “The proposed guideline to implement SB 743 is a crucial step toward realizing climate policy priorities shared by both the State and the City of Los Angeles. SB 743 has the potential to transform the way transportation and infrastructure projects are delivered. Until the guidelines are implemented, the state environmental process will remain disconnected from climate policy objectives.” – City of Los Angeles

Despite the anticipated benefits described above, the proposal to replace level of service with vehicle miles traveled as the primary measure of transportation impacts has been controversial. The Agency received comments from some business interests and some local governments expressing opposition to the proposal. Those opposing the proposal expressed fear that, among potential outcomes, mitigation costs and litigation may increase and, as a result, home building and business production may decrease. These are legitimate concerns; however, the Agency found those comments to be largely comprised of assumptions and opinion, but not evidence. (See, e.g., Comments of the Building Industry Association, et al.)

The Agency finds the comments of those agencies that have already switched to a vehicle miles traveled metric, including some of those quoted above, to be particularly persuasive because they are informed by real world experience. Notably, the Agency received no comments from any of the early adopters suggesting that the Agency should not proceed.

Finally, the Agency acknowledges those comments that expressed disappointment that their specific suggestion (largely, to maintain the status quo) was not adopted. In that regard, the Agency notes that the development of this rulemaking packages involved extensive stakeholder engagement over the course of several years. The proposal evolved substantially in response to that input. For example, much of the detail that OPR originally proposed to include in the new Guidelines section was moved to a purely advisory guidance document. OPR also refined its recommended thresholds of significance to provide more flexibility. Further, the proposal would enable many housing and infrastructure projects to be presumed, based on evidence in this rulemaking, to have a less than significant transportation impact. The proposal also includes an opt-in period allow those agencies that are ready to make the switch from level of service to vehicle miles traveled to do so, but gives time to other agencies that have indicated that they need more time to become acquainted with the new procedures. Finally, the proposal gives even greater discretion to agencies in how they evaluate roadway capacity projects. (Compare Preliminary Discussion Draft of Updates to the CEQA Guidelines Implementing Senate Bill 743 (2014), with Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA Implementing Senate Bill 743 (2016), and Proposed Updates to the CEQA Guidelines – Comprehensive Package (2017).)

In embarking on this update, the Agency and OPR announced their intention to develop a balanced package. Not every stakeholder will agree with the balance that has been struck. While the Agency acknowledges the disappointment expressed by some in the policy direction, the Agency the evolution of this proposal demonstrates that OPR and the Agency have indeed heard from stakeholders and responded as appropriate in light of statutory authority and policy objectives.

3. Vehicle Miles Traveled Should Be Analyzed Statewide, Not Just in Transit Priority Areas.

Some comments noted that while SB 743 gave the Agency the discretion to require analysis of vehicle miles traveled statewide, it only mandated new transportation methodologies within transit priority areas. Because the Guidelines propose a significant shift in how transportation impacts are analyzed, some comments suggested that implementation should begin in a smaller geographic area. The Agency declines to adopt that approach because it would not advance the purposes of the statute, and would forego the cost savings and environmental benefits expected to result from this change.

OPR and the Agency conducted extensive outreach since 2013 to craft this proposal. During that outreach, OPR asked stakeholders in various regions of the state whether the status quo would do a better job promoting the purposes of the statute. No evidence demonstrated that the status quo, which focuses on traffic congestion, provides a more accurate analysis of the environmental effects of transportation than a methodology that focuses on vehicle miles traveled.

Conversely, outreach with the Institute for Transportation Engineers, transportation professionals, transportation agencies, local governments, and metropolitan planning organizations demonstrated that studying vehicle miles traveled is possible and mitigation is feasible when needed. The evidence, including the Standardized Regulatory Impact Assessment prepared for these Guidelines, further shows that studying vehicle miles traveled is cheaper and quicker than studies of traffic congestion. The City and County of San Francisco, which has already begun using vehicle miles traveled as its primary measure of transportation impacts in CEQA, has found that using vehicle miles traveled instead of level of service has allowed for bringing much needed housing and transportation projects online much quicker. (See Comments from City and County of San Francisco.)

This Agency has previously considered the many benefits that result from development with lower vehicle miles traveled. As we observed in the rulemaking instituting a streamlined CEQA process for infill developments, projects with lower vehicle miles traveled promote significantly improved health and safety outcomes, as well as air quality benefits. More specifically, low VMT projects encourage more reliance on neighborhood-oriented businesses, walking, cycling, and public transit. These activities indirectly reduce greenhouse gas emissions and other emissions that lead to smog and air and water quality issues because they result in less vehicle miles traveled by residents who would traditionally have to drive to obtain the same services and products. Taken together, these benefits create sustainable, vibrant, and economically viable neighborhoods. (See Initial Statement of Reasons (July 2012), at pp. 12-17.) As this Agency found then, the evidence continues to demonstrate the benefits of lowering vehicle miles traveled.

As a legal matter, limiting the application of the new transportation guideline may invite litigation that would counter the goals of the statute. Specifically, the definition of “transit priority areas” is not clear in the statute.⁶ For example, the boundaries of a transit priority area may shift as bus routes and service frequencies change, and as plans for future transit investments change. Those changes may be made by multiple agencies, and no one agency is charged with maintaining current and accurate delineations of transit priority areas. As a result, applying one set of rules within transit priority areas and another outside would impose a significant burden on lead agencies to determine on a project by project basis which rules apply. As the City of Los Angeles noted in its comments, that uncertainty would impose a unique burden on infill projects, the very projects that the statute was designed to promote. (See Comments from the City of Los Angeles.) Such uncertainty could also encourage litigation.

Moreover, even if the Agency were to limit application of this Guideline to transit priority areas, ample evidence in this rulemaking record and elsewhere demonstrates the relationship between vehicle miles traveled and environmental impacts. (See, e.g., Master Response 2; OPR, Technical Advisory.) Vehicle miles traveled is also regularly analyzed as part of analyses of air pollutants, greenhouse gas emissions and energy, the analysis is reasonably feasible. Because CEQA requires environmental documents to “provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences,” and because courts look for “adequacy, completeness, and a good faith effort at full disclosure,” a prudent lead agency would analyze a project’s vehicle miles traveled regardless of whether the project is located near transit. (CEQA Guidelines § 15151.)

Thus, due to the substantial benefits of measuring vehicle miles traveled instead of level of service, and the serious potential for confusion and litigation risk of having two different measures of transportation impact, the Agency has determined that the new methodology should apply statewide.

The Agency recognizes that access to transit makes it easier to find that a project’s vehicle miles traveled are low. However, mixing uses, designing projects so that customers only need to park once, enhancing bicycle and pedestrian networks, and many other strategies also exist to reduce vehicle miles traveled. Further, OPR’s recommendations in its Technical Advisory recognize that rural areas are different, and so there, thresholds may be applied on a case by case basis that reflect local conditions.

4. Evidence Demonstrates that Projects Located Near Transit Are Likely to Reduce Vehicle Miles Traveled; Therefore, Agencies Should Presume that the Transportation Impact of Such Projects Is Less Than Significant.

A significant body of research indicates that projects located close to existing transit will enable lower vehicle use because of the availability of transit. (See, e.g., Cervero, R. (2002). *Built Environments and*

⁶ “Transit priority area” means “an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations.” (Pub. Resources Code § 21099(a)(7).) A “Major transit stop” means “a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.” (Id. at § 21064.3.)

Mode Choice: Toward a Normative Framework. Elsevier Science Ltd.; Cervero, R. & Duncan, M. (2006). *Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing?* Journal of the American Planning Association; Cervero, R. (2006). *Transit Oriented Development's Ridership Bonus: A Product of Self-Selection and Public Policies*. University of California Transportation Center; Ewing, R. & Cervero, R. (2001). *Travel and the Built Environment: A Synthesis*. Transportation Research Record 1780 – Paper No. 01-3515; Ewing, R. & Cervero, R. (2010). *Travel and the Built Environment: A Meta-Analysis*. Journal of the American Planning Association; Handy, S., Cao, X. & Mokhtarian, P. (2005). *Correlation or causality between the built environment and travel behavior? Evidence from Northern California*. Elsevier Ltd.; Kolko, J., Meija, M., Reed, D., & Schiff, E. (2011). *Make the Most of Transit: Density, Employment Growth, and Ridership around New Stations*. Public Policy Institute of California; Lund, H., Cervero, R., & Willson, R. (2004). *Travel Characteristics of Transit-Oriented Development in California*. Funded by Caltrans Transportation Grant – “Statewide Planning Studies” – FTA Section 5313 (b); Ewing, R., K. Bartholomew, S. Winkelmann, J. Walters, and D. Chen, Growing Cooler: The Evidence on Urban Development and Climate Change, Washington, D.C.: Urban Land Institute, 2008 [see section 7.3.4, citing and discussing ample evidence of transit proximity reducing vehicle travel].) The California Air Pollution Control Officers Association’s report “*Quantifying Greenhouse Gas Mitigation Measures*” also cites several studies that quantify VMT reductions resulting from transit proximity. (Lee, Barbara, et al. “Quantifying Greenhouse Gas Mitigation Measures.” California Air Pollution Control Officers Association, Aug. 2010, pp. 171-174.) This reduction in vehicle miles traveled is most pronounced within one-half mile of transit. Notably, because many other programs and other statutory provisions focus on one-half mile surrounding transit, using that distance in the presumption promotes consistency with other policies. (See, e.g., Public Resources Code § 21155(b) (defining projects that may benefit from CEQA streamlining as those projects within one-half mile of transit); see also Strategic Growth Council, Affordable Housing and Sustainable Communities Program Guidelines.)

Some comments correctly noted that factors beyond transit proximity may affect vehicle miles traveled. The Agency does not disagree, and that is why the presumption is rebuttable. However, the body of evidence described above supports the Agency’s statement in the Guidelines that agencies should presume that projects that locate near transit will have a less than significant transportation impact. That body of evidence, together with the statement in the Guidelines, also gives lead agencies a basis to fill out the initial study checklist and at least initially determine that a project’s transportation impacts are less than significant.

5. Transportation Impacts of Roadway Capacity Expansion Can Be Measured in Multiple Ways.

Section 15064.3(b)(2) states that agencies analyzing roadway capacity projects have discretion to use a metric other than vehicle miles traveled. Allowing this discretion for such projects is appropriate at this time for several reasons. For example, many types of roadway capacity projects, such as the addition of new local streets or capacity on existing local streets, the addition of new collector streets or capacity on new collector streets, the addition of capacity in rural areas where there is not current or projected future congestion (i.e. solely to address safety issues), the addition of capacity on-ramps or off-ramps, methods may not yet exist or are still under development for assessing VMT impacts. Many capacity projects are also being conducted jointly with federal partners that may use other metrics. Therefore,

leaving the lead agency with the discretion to make this determination and tailor its metrics accordingly will be helpful to ensuring that impacts are adequately analyzed.

Meanwhile, where methods exist, measurement of induced travel needs to be undertaken in order to assess greenhouse gas emissions impacts, impacts from air pollutant emissions, energy impacts, and noise impacts, and transportation impacts described by any metric. In these cases, implementing vehicle miles traveled as the metric of transportation impact may assist the lead agency in addressing those other environmental impacts. Where vehicle miles traveled is already assessed as a step in analyzing other impacts, lead agencies would likely disclose the results of such analyses to promote informed public participation and decision-making. (See, Pub. Resources Code § 21099(b)(3) (“This subdivision does not relieve a public agency of the requirement to analyze a project’s potentially significant transportation impacts related to air quality, noise, safety, or any other impact associated with transportation”); CEQA Guidelines § 15151 (“courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure”); *see also* proposed Section 15064.3(b)(2) (“For roadway capacity projects, agencies have discretion to determine the appropriate measure of transportation impact consistent with CEQA and other applicable requirements”) (emphasis added); California Department of Transportation, *Guidance for Preparers of Growth-related, Indirect Impact Analyses* (2006).)

6. Mitigation to Reduce Vehicle Miles Traveled is Feasible.

CEQA requires mitigation of significant environmental impacts. Even independent of these Guidelines, some courts have found that this requirement includes consideration of measures to reduce the driving required by a project. (See, e.g., *Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 17 Cal.App.5th 413; *Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 Cal.App.4th 256; *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal. App. 4th 173.)

Some comments, however, questioned whether the vehicle miles traveled of certain suburban or rural projects could be feasibly mitigated. Many mitigation options exist. The California Air Pollution Control Officers Association, for example, developed a guide, supported with peer-reviewed research, that includes various measures to reduce vehicle miles traveled in a variety of geographic settings. (California Pollution Control Officers Association, *Quantifying Greenhouse Gas Mitigation Measures, A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures* (2010) at pp. 155-331.)⁷ The determination of whether any particular measure is feasible in connection with a specific project is to be made by the lead agency.

⁷ The Agency finds the CAPCOA Guide to be a particularly credible source of information because it was prepared by expert air quality agencies, with the assistance of highly regarded consultants in air quality and transportation planning, and is supported by peer-reviewed research. Additionally, U.C. Berkeley’s Center for Law, Energy & the Environment recently published a paper discussing the use of VMT banks and exchanges as possible mitigation options. (Elkind, et al. “Implementing SB 743: An Analysis of Vehicle Miles Traveled Banking and Exchange Frameworks,” Oct. 2018, <https://www.law.berkeley.edu/wp-content/uploads/2018/09/Implementing-SB-743-October-2018.pdf>.) While the Agency has not relied on that document in developing this rulemaking, it is sharing this citation for informational purposes.

Notably, OPR's Technical Advisory explains that because such impacts of vehicle miles traveled are largely regional in nature, mitigation may also be regional in scope. Thus, regional mitigation programs to reduce vehicle miles traveled may be an effective way to reduce such impacts.

7. A Phase-In Period Will Allow Agencies Time to Update Their Own Procedures.

The Agency's current proposal states that the new rules for VMT analysis will become mandatory beginning on July 1, 2020. (July 2018 Proposed 15-Day Revisions, p. 11.) The regulatory text posted in January 2018 included a typographical error in Guidelines section 15064.3(c). In response, some comments expressed concerns about the proposed phase-in date of July 1, 2019, for lead agencies to apply the VMT metric in transportation analyses. The Agency corrected the error to July 1, 2020, in the 15-day revisions, which the Agency posted in July 2018. This correction aligns with the Initial Statement of Reasons, which states that "jurisdictions will have approximately two years to switch to VMT if they so choose." (Initial Statement of Reasons, p. 16.)

This phase-in period provides sufficient time for lead agencies to update their procedures. The Agency notes that typically, agencies must update their procedures within 120 days of revisions to the CEQA Guidelines. (See CEQA Guidelines, § 15007(d).) Although lead agencies would have a phase-in period, those who are ready to begin evaluating vehicle miles traveled may use the new transportation metric immediately upon the effectiveness of the Guidelines. In fact, some cities (namely, San Francisco, Oakland, Pasadena, and San Jose) have already updated their own procedures to analyze VMT. Those cities that have already updated their procedures to include vehicle miles traveled can serve as a model for other agencies. The Agency notes there are compelling reasons for other agencies to move forward as well.

First, the proposed vehicle miles traveled metric has been circulating in OPR's discussions with the public since 2013 when OPR began its process to comprehensively update the Guidelines. Notably, the proposed changes to section 15064.3 have been circulating in substantially similar form since 2014. Also, since the release of the preliminary discussion draft in August 2014, the Agency, OPR, or both engaged in nearly two hundred meetings, presentations, and conferences. (Initial Statement of Reasons, p. 46.) The Agency and OPR have also conducted extensive training and outreach to educate lead agencies on the proposed requirements. In short, the Agency believes that over the past four to five years, the public and lead agencies have had sufficient time to learn about the proposed changes in transportation impact metric.

Second, vehicle miles traveled is relatively simple to calculate compared to level of service, and the analysis is generally less costly and time consuming. That is because, unlike level of service, vehicle miles traveled does not require counting existing trips, estimating project trip distribution, or traffic microsimulation for determining congestion. (Standardized Regulatory Impact Assessment, pp. 8-12, 38.) Assessing vehicle miles traveled requires estimates of trip generation rates and trip length, and can be readily modeled using readily available and existing tools such as CalEEMod or URBEMIS. (Standardized Regulatory Impact Assessment, pp. 8, 16.) Because vehicle miles traveled analysis is much simpler and faster to do, the Standardized Regulatory Impact Assessment explained that while an

congestion-based study may cost approximately \$25,000 on average, a study of vehicle miles traveled may be approximately \$5,000. (Standardized Regulatory Impact Assessment, p. 16.)

Third, vehicle miles traveled is currently used to analyze a project's environmental impacts to other resources, including air quality, GHG emissions, and energy resources. More to the point, making a reasonably accurate estimate of transportation projects' effects on vehicle travel is important to making reasonably accurate estimates of GHG emissions, air quality emissions, energy impacts, and noise impacts. Additionally, two appellate courts have recently determined that the lead agency's failure to discuss the transportation energy impacts of a project in an EIR was a prejudicial abuse of discretion under CEQA. (*California Clean Energy Com. v. City of Woodland* (2014) 225 Cal.App.4th 173, 210 [EIR failed to consider project's transportation energy impacts]; *Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 Cal.App.4th 256, 266.) An analysis of transportation energy impacts generally includes assessing trip length and the number of trips, which is precisely the calculation for VMT. Lead agencies can streamline their environmental analyses by using VMT to measure a number of impacts, including transportation, air quality, greenhouse gas, noise, and energy impacts.

Finally, many professional organizations, such as the Association of Environmental Professionals and American Planning Association, have hosted continuing education seminars on this topic, and the Agency anticipates more once this rulemaking is complete. Thus, because the analysis is relatively simple to conduct, and in fact is being studied in connection with other impacts, and the opportunities for training are many, delaying full implementation until July 2020 is a reasonable phase-in period.

8. Analyzing Vehicle Miles Traveled, Instead of Congestion, Should Benefit Housing Production, Including Affordable Housing

The proposed shift to VMT analysis will benefit low-income earners in at least three ways.

First, it streamlines transit and active transit modes, which a disproportionate number of low income residents rely upon for transportation. Providing greater transportation choices, such as transit and active transit modes, can save low-income residents money. (See Fang, K. and Volker, J. "Cutting Greenhouse Gas Emissions Is Only the Beginning: A Literature Review of the Co-Benefits of Reducing Vehicle Miles Traveled," National Center for Sustainable Transportation, March 2017, pp. 12-13; see also California Department of Housing and Community Development, "California's Housing Future: Challenges and Opportunities," Feb. 2018, p. 3 ["In California's rural areas, high transportation costs often negate the relatively more affordable housing prices."], 50 ["The proximity of jobs and services, density, and the availability of public transportation are among the factors that can affect the need for automobile travel and thus transportation costs."; "When households move further from job- and transit-rich areas to find more affordable homes, they encounter consequences in the form of higher transportation costs and commute times."].)

Second, because low-income earners generate less household VMT, affordable housing is more likely to be found to have a less than significant transportation impact with VMT analysis. (See, e.g., Lee, Barbara, et al. "Quantifying Greenhouse Gas Mitigation Measures." California Air Pollution Control Officers Association, Aug. 2010, pp. 160-161, 176 ["Income has a statistically significant effect on the

probability that a commuter will take transit or walk to work. [Below market rate] housing provides greater opportunity for lower income families to live closer to jobs centers and achieve jobs/housing match near transit. . . Lower income families tend to have lower levels of auto ownership, allowing buildings to be designed with less parking . . . ”], 178 [“[R]egardless of distance from BART, lower income households generate at least 50% higher BART use for school trips than higher income households.”].) This is particularly noteworthy because opponents to affordable housing often cite increased traffic congestion as a reason to oppose such projects.

Third, the shift to VMT analysis would lead to more infill and transit-oriented development, and such development often allows lower living costs when transportation and housing costs are both taken into account. (See Center for Neighborhood Technology, *Losing Ground* (2012) [available at https://www.cnt.org/sites/default/files/publications/CNT_LosingGround.pdf]; Center for Neighborhood Technology, *Penny Wise, Pound Foolish* (2010) [available at https://www.cnt.org/sites/default/files/publications/CNT_pwpcf.pdf].) Relatedly, encouraging infill development is strongly correlated to economic mobility and thus infill would benefit low-income communities in urban areas. (See Fang, et al., *supra*, pp. 12-13 [discussing the direct financial impacts on households in reducing vehicle miles traveled]; see also Center for Neighborhood Technology, “Penny Wise, Pound Foolish,” March 2010, pp. 7-8 [concluding that location efficiency reduces transportation costs].)

Comments submitted by a coalition of equity advocates similarly suggest that focusing on vehicle miles traveled instead of congestion should benefit lower-income Californians by providing greater transportation options and access to housing. While recommending that further work be done to discourage displacement effects, the group explained:

The replacement of LOS with VMT will improve transit service and walkability, benefiting low-income households who are more likely to take transit and walk. In addition, the proposed guidelines will help streamline the development process of housing in low-VMT and transit-oriented locations, thereby helping increase the supply of housing options in areas with low transportation costs.

(See, Comments Submitted by Climate Plan, et al.)

The Agency acknowledges comments to the contrary. Primarily submitted by proponents of the building industry, some comments assert that analyzing vehicle miles traveled will hinder the production of affordable housing. Some even argue that the change will disproportionately impact affordable housing.

No one disputes that far fewer homes are currently being built than are needed; however, the Agency does not find arguments that the CEQA Guidelines will worsen housing affordability to be persuasive for several reasons. First, the comments are unsupported with evidence. Instead, they consist largely of fear, speculation and unsubstantiated opinion. Second, while the Agency shares the concern about housing affordability, myriad factors affect housing production and pricing. They include, among others, availability and costs of skilled labor, availability and costs of buildable land, costs of materials (which

are now being affected by global markets and federal trade policy), building regulations, entitlement processes and profit expectations. While some comments referred to a study that described these factors,⁸ neither the building industry nor those that represent them acknowledge these other factors in their comments on the Guidelines, nor did they offer any explanation of the complex interactions between those factors. Third, even focusing on the potential effect of environmental mitigation on ultimate housing costs, the comments fail to acknowledge that lead agencies today require applicants to study and mitigate congestion impacts. They offer no evidence to suggest that mitigation to reduce vehicle miles traveled would be any more expensive than mitigation of congestion.

For the reasons stated above, this Agency has little, if any, ability to affect housing affordability. However, within the scope of this rulemaking, the Agency has implemented the changes required by statute in a way that is expected to lower the costs of environmental study and to remove barriers to infill development. Evidence based on the experience of those agencies that have already implemented such changes on the local level indicates that housing approvals will happen quicker and with fewer costs under this proposal.

Some comments suggested that the proposed changes would make infill projects more difficult. Again, the evidence suggests otherwise. For example, the SRIA included a reference to an op-ed penned by the president of the Council of Infill Builders and advocate for infill development, urging completion of these changes. “As leading developers and advocates of infill projects throughout California, we recognize that this proposed reform will remove one of the most common roadblocks used to stop smart city-centered development[.]” (See “‘Driving Miles’ is best measure of new development,” San Francisco Chronicle, Opinion by Curt Johansen and Jeremy Madsen (Nov. 19, 2014), available online at <http://www.sfgate.com/opinion/openforum/article/Driving-miles-is-best-measure-of-new-5904868.php>.) Similarly, as noted above, cities that have already made a similar change at the local level have observed that the change actually facilitates infill development. (See, e.g., Comments of the City and County of San Francisco (“Two years later, we are seeing the benefits of this change as numerous transportation projects and infill developments that previously would have gone through time-consuming, costly vehicular level of service analysis with no beneficial environmental outcomes, are on the ground, approved, or under construction”).) Faced with conflicting assertions regarding the impact on housing, the Agency finds the assertions of the industry association that is focused on infill development, and the observations of local governments that approve infill developments, to be more credible than the unbacked assertions of the comments to the contrary.

⁸ The study referenced is “California’s High Housing Costs: Causes and Consequences,” Legislative Analyst’s Office (2015). The study noted, for example, that one way to reduce costs associated with high land values is to build more units per acre of land. (See *id.* at 13.) CEQA’s current focus on congestion makes it more difficult to build more densely. That same report notes that traffic is a frequently raised concern and that developer responses usually include reducing the project’s size and scope. (See *id.* at 18.) By focusing on vehicle miles traveled instead of congestion, this update to the CEQA Guidelines will remove an existing impediment to building more densely, which will enable lower housing costs. Other sources cited in the Standardized Regulatory Impact Assessment describe other reasons this Agency expects a positive impact on housing prices. The Agency discusses the LAO study only for the purpose of responding to the comments suggesting that it is relevant.

9. Local Governments that Wish to Address Congestion May Do So Through Their Planning Processes.

Some comments submitted by local governments objected to analyzing vehicle miles traveled in CEQA because they asserted that their community places a high value on avoiding traffic congestion. Others asserted that their communities also valued a suburban lifestyle. Studying vehicle miles traveled in CEQA will not prevent either objective. SB 743 states expressly that it “does not preclude the application of local general plan policies, zoning codes, conditions of approval, thresholds, or any other planning requirements pursuant to the police power or any other authority.” (Pub. Resources Code § 21099(b)(4).) Thus, cities and counties can still plan for new development that is consistent with their community’s values. Moreover, to the extent that cities and counties have already adopted fee programs to fund roadway infrastructure, nothing in the CEQA Guidelines will prevent them from continuing those programs.

10. The CEQA Guidelines Appropriately Leave Analysis of Transportation Safety to the Discretion of Lead Agencies.

Some comments suggested that the transportation guideline should specifically address transportation safety. The Agency declines to do so. In an initial draft of the transportation Guideline, OPR included a subdivision devoted to transportation-related safety. Many comments objected to that subdivision, however, indicating that the evaluation of safety is far more nuanced than any general statement in the Guidelines would allow. Therefore, OPR explained in a revised draft that “[w]hile safety is a proper consideration under CEQA, the precise nature of that analysis is best left to individual lead agencies to account for project-specific and location-specific factors.” (Governor’s Office of Planning and Research, “Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA, at p. 5.) Instead, OPR added a discussion of safety considerations to its Technical Advisory. The Agency concurs with OPR, and so declines the comment’s suggestion to add a separate requirement to analyze safety in the transportation section.

11. OPR’s Technical Advisory Provides Non-Binding Technical Assistance, and Is Not a Part of This Rulemaking Package.

Several comments addressed recommendations contained in the Governor’s Office of Planning and Research’s Technical Advisory on Evaluating Transportation Impacts in CEQA (“Technical Advisory”). That document explains its purpose as follows:

This technical advisory is one in a series of advisories provided by the Governor’s Office of Planning and Research (OPR) as a service to professional planners, land use officials, and CEQA practitioners. OPR issues technical assistance on issues that broadly affect the practice of land use planning and the California Environmental Quality Act (CEQA) (Pub.

Resources Code, § 21000 et seq.). (Gov. Code, § 65040, subds. (g), (l), (m).) The purpose of this document is to provide advice and recommendations, which agencies and other entities may use at their discretion. This document does not alter lead agency discretion in preparing environmental documents subject to CEQA. This document should not be construed as legal advice.

...

This advisory contains technical recommendations regarding assessment of VMT, thresholds of significance, and mitigation measures. Again, OPR provides this Technical Advisory as a resource for the public to use at their discretion. OPR is not enforcing or attempting to enforce any part of the recommendations contained herein. (Gov. Code, § 65035 [“It is not the intent of the Legislature to vest in the Office of Planning and Research any direct operating or regulatory powers over land use, public works, or other state, regional, or local projects or programs.”].)

This April 2018 technical advisory is an update to the advisory it published in November 2017. OPR will continue to monitor implementation of these new provisions and may update or supplement this advisory in response to new information and advancements in modeling and methods.

(Technical Advisory, April 2018, at p. 1.) As the Technical Advisory explained, it offers non-binding technical assistance, and will be updated from time to time as the state of the art improves. That document is separate from this CEQA Guidelines rulemaking, and was developed pursuant to OPR’s technical assistance function. (Gov. Code, § 65040, subds. (g), (l), (m).)

Where comments addressed matters that were involved in this rulemaking, the Agency responded in detail in the responses to comments. Where comments addressed the recommendations in OPR’s Technical Advisory, the Agency has forwarded such comments to OPR for its consideration in a future update of that advisory document.

12. CEQA Requires Analysis of the Potential Impacts Associated with Wildfire.

Some comments suggested that the Agency should not include questions in Appendix G related to wildfire. In part, those comments suggested that the California Supreme Court’s decision in *CBIA v. BAAQMD* (2015) 62 Cal.4th 369 precludes the analysis of such hazards on proposed projects. The Agency disagrees. In that decision, the Court held that “agencies subject to CEQA *generally* are not required to analyze the impact of existing environmental conditions on a project’s future users or residents.” (*Id.* at p. 377 (emphasis added).) The Court’s opinion also included a significant caveat: “[w]hen a proposed project risks exacerbating those environmental hazards or conditions that already exist an agency must analyze the potential impact of such hazards on future residents or users.” (*Id.*, at p. 377.) In this

context, an effect that a project “risks exacerbating” is similar to an “indirect” effect. Describing “indirect effects,” the CEQA Guidelines state: “If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect physical change in the environment.” (CEQA Guidelines, § 15064, (d)(2).) Just as with indirect effects, a lead agency should confine its analysis of exacerbating effects to those that are reasonably foreseeable. (*Id.* at subdivision (d)(3).)

In the context of wildfire, it is clear that development may exacerbate wildfire risks. OPR’s General Plan Guidelines, for example, includes an extensive discussion of the interaction between development and wildfire risk areas, including the “wildland-urban interface.” While wildfire risk already exists in such areas, bringing development to those areas makes the risk worse, and not just for fire risk. Recent research explains:

The close proximity of houses and wildland vegetation does more than increase fire risk. As houses are built in the WUI, native vegetation is lost and fragmented; landscaping introduces nonnative species and soils are disturbed, causing nonnatives to spread; pets kill large quantities of wildlife; and zoonotic disease, such as Lyme disease, are transmitted.

(Radeloff, et al., “Rapid growth of the US wildland-urban interface raises wildfire risk,” *PROC NATL ACAD SCI USA* (March 27, 2018) 115 (13) 3314-3319 [citations omitted].) Not all development types are likely to create the same risks, however:

The recognition that homes are vulnerable to wildfire in the wildland-urban interface (WUI) has been established for decades... Analysis of hundreds of homes that burned in southern California the last decade showed that housing arrangement and location strongly influence fire risk, particularly through housing density and spacing, location along the perimeter of development, slope, and fire history. Although high-density structure-to-structure loss can occur, structures in areas with low- to intermediate-housing density were most likely to burn, potentially due to intermingling with wildland vegetation or difficulty of firefighter access. Fire frequency also tends to be highest at low to intermediate housing density, at least in regions where humans are the primary cause of ignitions.

(Syphard AD, Bar Massada A, Butsic V, Keeley JE (2013) “Land Use Planning and Wildfire: Development Policies Influence Future Probability of Housing Loss.” *PLoS ONE* 8(8): e71708.

<https://doi.org/10.1371/journal.pone.0071708> [citations omitted].) In other words, low-density, leapfrog development may create higher fire risk than high-density, infill development.

Notably, Senate Bill 1241 (Kehoe, 2012) specifically required the Agency to update Appendix G with questions related to wildfire risk. One could view wildfire as a specific legislatively-created exception to the general rule the Court described in the *CBIA* decision, though the Court did not specifically analyze its provisions. In any event, the Agency drafted the questions in the new wildfire section to focus on the effects of new projects in creating or exacerbating wildfire risks.

13. The CEQA Guidelines Appropriately Include a Discussion of Remand Following Judicial Review.

Some comments objected to the addition of a guideline addressing remand following a court challenge. As the Agency explained in the Initial Statement of Reasons, “questions may arise regarding what further environmental review is needed, and what project activities, if any, may continue while the agency takes further action. Proposed new section 15234 will assist agencies in complying with CEQA in response to a court’s remand, and help the public and project proponents understand the effect of the remand on project implementation.” The Agency does not intrude on the judicial branch in doing so. The new section states at the outset: “Courts may fashion equitable remedies in CEQA litigation.” The new section does not limit a courts exercise of discretion in any way; rather, it explains to lead agencies and the public what a court may do, and what a lead agency’s obligations may be, once a project has been challenged based on CEQA compliance. This explanation is necessary because some participants in the CEQA process continue to assert that a defect in an environmental document requires complete decertification. (See, e.g., *Center for Biological Diversity v. Department of Fish & Wildlife* (2017) 17 Cal.App.5th 1245.)

14. The Baseline is Normally Existing Conditions, But Some Circumstances May Justify Consideration of an Alternative Baseline.

CEQA Guidelines section 15125 requires an EIR to describe the environmental setting of the project so that the changes can be seen in context. Section 15125 describes the general rule for the environmental setting: “normally,” the baseline consists of physical environmental conditions “as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced.”

Recently, the California appellate courts have focused on exceptions to the general rule, particularly related to the use of a historic or future conditions baseline. In the January 2018 rulemaking package, the Agency proposed to add regulatory text to reflect those appellate decisions. In response to comments on the proposal, the Agency revised the proposed regulatory text in July 2018. As discussed below, the current proposal clarifies in Guidelines section 15125(a)(2) that the procedural requirement to justify a baseline other than existing conditions does not apply to reliance on historic conditions. Rather, that requirement only applies only to use of future conditions as a sole baseline.

Lead agencies have discretion to determine the appropriate environmental setting pursuant to Guidelines section 15125. (*Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 328 [“an agency enjoys the discretion to decide, in the first instance, exactly how the existing physical conditions without the project can most realistically be measured, subject to review, as with all CEQA factual determinations, for support by substantial evidence.”].) The “existing” conditions may be represented by historic or future conditions, as reflected in the Agency’s proposed addition of the following sentence to Guidelines section 15125(a)(1):

Where existing conditions change or fluctuate over time, and where necessary to provide the most accurate picture practically possible of the project’s impacts, a lead agency may define existing conditions by referencing historic conditions, or conditions

expected when the project becomes operational, or both, that are supported with substantial evidence.

A lead agency may consider the historical conditions as the “existing conditions” against which to assess environmental impacts. That determination must be based on substantial evidence. (*North County Advocates v. City of Carlsbad* (2015) 241 Cal.App.4th 94, 105-106 [traffic baseline of unoccupied retail project was “based on the actual historical operation of the space at full occupancy for more than 30 years”; *San Francisco Baykeeper, Inc. v. State Lands Com.* (2015) 242 Cal.App.4th 202, 218 [lead agency “did not abuse its discretion by adopting a baseline that accounted for mining conditions during the five-year period prior to the filing of the” notice of preparation].)

Additionally, a lead agency has the discretion, under appropriate factual circumstances, to use a future baseline that is based on substantial evidence. The California Supreme Court’s discussion in *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 453-454, explains:

Is it ever appropriate for an EIR’s significant impacts analysis to use conditions predicted to prevail in the more distant future, well beyond the date the project is expected to begin operation, to the exclusion of an existing conditions baseline? We conclude agencies do have such discretion. The key, again, is the EIR’s role as an informational document. To the extent a departure from the “norm[]” of an existing conditions baseline (Guidelines, § 15125(a)) promotes public participation and more informed decisionmaking by providing a more accurate picture of a proposed project’s likely impacts, CEQA permits the departure. Thus an agency may forgo analysis of a project’s impacts on existing environmental conditions if such an analysis would be uninformative or misleading to decision makers and the public.

Parenthetically, we stress that the burden of justification articulated above applies when an agency *substitutes* a future conditions analysis for one based on existing conditions, omitting the latter, and not to an agency’s decision to examine project impacts on *both* existing and future conditions.

(*Ibid*, italics in original.)

Further, the Court stated that “nothing in CEQA law precludes an agency, as well, from considering both types of baseline—existing and future conditions—in its primary analysis of the project’s significant adverse effects.” (*Id.* at p. 454.)

Some comments expressed that the originally proposed Guidelines section 15125(a)(2) incorrectly applied the heightened need for justification when an agency uses an historical baseline. In the 15-day revisions, the Agency omitted reference to a “historic conditions baseline” in the current proposed text of section 15125(a)(2). The Agency believes that the current text now accurately reflects the California Supreme Court’s direction governing the appropriateness of the use of a future conditions baseline.

15. While Deferral of Some Details of Mitigation Measures is Permissible, Agencies Must Still Have Substantial Evidence Demonstrating Feasibility.

The Agency updated Section 15126.4 to describe the circumstances in which courts have upheld a lead agency's deferral of mitigation details. In doing so, the Agency examined the decisions in those cases to identify principles supporting the courts' analyses that can guide future agency decision-making. The Agency found that the cases articulated several common factors.

Some comments expressed a different view of the cases, however, or at least how they were described in the Initial Statement of Reasons. Those comments suggested that an agency should be able to defer details if it either adopts a performance standard, or it lists possible measures, but should not be required to do both. Those comments further suggest that the Initial Statement of Reasons appears to support an either/or approach. Comments submitted on the initially proposed language persuaded the Agency that both the text of the guideline and the Final Statement of Reasons should be updated to better capture the common principles described in the case law.

As revised, the guideline on mitigation states: "The specific details of a mitigation measure, however, may be developed after project approval when it is impractical or infeasible to include those details during the project's environmental review, provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure."

Some comments on the 15-Day changes suggested that the guideline should not require all three factors to be present. Specifically, those comments relied primarily on *Defend the Bay* and *Rialto* to argue that a simple list of potential measures might be sufficient. Neither case supports that view, however. While there is a line in that case suggesting that a simple list will suffice, the analysis in the *Defend the Bay* case finds the measures were adequate because they specified performance standards and listed the potential actions that would ultimately mitigate the impacts. (*Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1276 ("The EIR was prepared at the beginning of the planning process, for a General Plan amendment and zoning change, the City has committed to mitigation, and it has specified the criteria to be met").) The court in the *Rialto* case summarized these requirements and the policy as follows:

In sum, "it is sufficient to articulate specific performance criteria and make further [project] approvals contingent on finding a way to meet them." [Citation.] Essentially, the rule prohibiting deferred mitigation prohibits loose or open-ended performance criteria. Deferred mitigation measures must ensure that the applicant will be required to find some way to reduce impacts to less than significant levels. If the measures are loose or open-ended, such that they afford the applicant a means of avoiding mitigation during project implementation, it would be unreasonable to conclude that implementing the measures will reduce impacts to less than significant levels.

Each of the criteria identified in the guideline support such a finding. The first, that the agency commit to implementing the measure, is essential to support a finding that project impacts have, in fact, been mitigated. The second, that the agency identify performance standards, is a key feature found in all of

the cases allowing deferral of mitigation details. It is also necessary to supply substantial evidence that impacts will in fact be reduced to a less than significant level. The third, identification of the types of measures that could achieve the standard, goes to the requirement that measures must be feasible. The case in *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, illustrates the need for this criterion. In that case, the City committed to eliminating all new greenhouse gas emissions, essentially a net-zero standard. However, the court found the measure to be inadequate because there was no discussion of what measures could feasible attain that net-zero standard.

Other comments also opposed the statement in the guideline that deferral of mitigation details may be permissible when developing such details at the time of review is “impractical.” Those comments that “impractical” was too lenient of a standard. The Agency notes, however, that is the standard described in the cases. It is also consistent with CEQA’s policy favoring efficiency in the environmental review process. (See Pub. Resources Code § 21003(f) (“All persons and public agencies involved in the environmental review process be responsible for carrying out the process in the most efficient, expeditious manner in order to conserve the available financial, governmental, physical, and social resources with the objective that those resources may be better applied toward the mitigation of actual significant effects on the environment”).)

16. The Existing Facilities Exemption Appropriately Covers New Uses That Do Not Exceed the Intensity of Either Existing or Former Uses of a Facility.

Some comments objected to the clarification that the Categorical Exemption for Existing Facilities applies when the activity would not expand upon an existing, *or former*, use. Such comments suggested that a use that has been abandoned for a long time, but is later restarted, is in effect a new use. Other comments suggested it would not be appropriate to reauthorize highly polluting uses without additional CEQA review.

As explained in the Initial Statement of Reasons, the phrase “beyond that existing at the time of the lead agency’s determination,” could be interpreted to preclude use of this exemption if a facility were vacant “at the time of the lead agency’s determination,” even if it had a history of productive use, because any use would be an expansion of use compared to an empty building. (See, Comments of the Building Industry Association, August 30, 2013.) The ISOR further noted that considering former uses in determining the applicability of the exemption is consistent with the reasoning in cases addressing the environmental baseline. (See, e.g., *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 327-328 (“Environmental conditions may vary from year to year and in some cases it is necessary to consider conditions over a range of time periods”); *Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316.)

Some comments argued that the caselaw on baseline is not instructive here. The Agency disagrees. The purpose of the requirement to identify a baseline is to allow an agency to determine the degree, and therefore, significance of a change in the environment. Projects that result in only a negligible increase in the use of existing facilities are appropriately exempt because they are likely to result in little change to the environment. If an agency may appropriately look back in time to set the yardstick for analysis of

impacts, it should also be able to look back in time to determine whether a project would intensify uses of existing facilities.

Not only is this interpretation consistent with the cases interpreting baseline, it is also consistent with state policy. The State's planning priorities, for example, emphasize the importance of infill development, reuse and revitalization before expanding beyond the existing urban fabric. (See, e.g., Gov. Code § 65041.1 ("The state planning priorities, which are intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety in the state, including in urban, suburban, and rural communities, shall be ... [t]o promote infill development and equity by rehabilitating, maintaining, and improving existing infrastructure that supports infill development and appropriate reuse and redevelopment of previously developed, underutilized land that is presently served by transit, streets, water, sewer, and other essential services, particularly in underserved areas, and to preserving cultural and historic resources").) Doing so preserves important environmental values such as agricultural and forested lands, biological habitat and open space. These planning priorities have been part of the state's discourse for many years, and were first discussed in California's 1978 Urban Strategy:

Californians can no longer avoid city problems by moving farther and farther from the central cities. . . . ¶ The result is waste: waste of land, particularly valuable agricultural land; waste of older cities and suburbs; waste of air, water and other natural resources; waste of energy; waste of time spent in commuting; and, in the long, a vast waste of money. ¶ Future urban development should be determined with purpose, not solely by chance. Cities and suburbs should provide a productive and human environment for all: for the poor, the old and the disadvantaged, as well as those better able to protect their own interests.

(*Id.*, pp. 7-8, http://opr.ca.gov/docs/urban_strategy.pdf.)

The Agency is sympathetic to concerns about potential misuse of the exemption. Note, however, that categorical exemptions are subject to exceptions. Those exceptions, which include cumulative impacts and significant impacts due to unusual circumstances, will continue to provide a check on potential abuses. (See Public Resources Code, § 21084; CEQA Guidelines, §§ 15300, 15300.2.)

17. Conservation Easements May Be Appropriate Mitigation.

The Agency proposes to revise the definition of "mitigation" in CEQA Guidelines section 15370 to clarify in the CEQA Guidelines that permanent protection of off-site resources through conservation easements constitutes mitigation. Some comments stated that conservation easements should not be considered appropriate mitigation to compensate the loss of agricultural land and other resources. As described below, the Agency believes that the proposed revision to section 15370 is appropriate and consistent with case law.

The Agency proposes to revise CEQA Guidelines section 15370 to incorporate the First District Court of Appeal holding in *Masonite Corporation v. County of Mendocino* (2013) 218 Cal.App.4th 230. In that case, the court ruled that off-site agricultural conservation easements constitute a potential means to

mitigate for direct, in addition to cumulative and indirect, impacts to farmland. The court stated that although such easements do not replace lost onsite resources, they “may appropriately mitigate for the direct loss of farmland when a project converts agricultural land to a nonagricultural use...” (*Id.* at p. 238.) Furthermore, the court stated that this preservation of substitute resources fits within the definition of mitigation in section 15370, subdivision (e), of the Guidelines. (*Ibid.* [“By thus preserving substitute resources, [agricultural conservation easements] compensate for the loss of farmland within the Guidelines’ definition of mitigation.”, citing CEQA Guidelines, § 15370, subd. (e)].)

The Agency further points out that conservation easements are commonly used to mitigate and address adverse environmental impacts. (See *Masonite Corporation, supra*, 218 Cal.App.4th at p. 236 [California Department of Conservation’s (DOC’s) commenting that agricultural conservation easements are a “common and appropriate means of mitigating the loss of prime farmland”], 241 [“The DOC described [agricultural conservation easements] in its comments as ‘accept[ed] and use[d] by lead agencies as an appropriate mitigation measure under CEQA,’ and the administrative record includes evidence that [easements] are so employed by a number of cities and counties.”].) Moreover, off-site conservation easements are used in a variety of contexts to mitigate for a number of resources such as agricultural land, biological resources, and wetlands. (*Masonite Corporation v. County of Mendocino* (2013) 218 Cal.App.4th 230, 238-239 [“[t]here is no good reason to distinguish the use of offsite [agricultural conservation easements] to mitigate the loss of agricultural lands from the offsite preservation of habitats for endangered species, an accepted means of mitigating impacts on biological resources”], citing *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 278 [habitat loss was appropriately mitigated by conservation of other habitat at a one-to-one ratio]; *California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603, 610–611, 614–626 [mitigation by offsite preservation of existing habitat or creation of new habitat]; *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 794 [mitigation by “off-site preservation of similar habitat”]; *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 1018, 1038 [purchase of habitat reserves for every acre of development].)

Some comments also suggested that the reference to “permanent easements” should be modified to include temporary easements. The Agency notes that conservation easements generally conserve land in perpetuity. (See Gov. Code, § 65966, subd. (a); Civ. Code, § 815.2, subd. (b) [“A conservation easement shall be perpetual in duration.”]; Pub. Resources Code, § 10211 [“shall be granted in perpetuity as the equivalent of covenants running with the land”]; Gov. Code, § 65966, subd. (a) [“conservation easement[s] created as a component of satisfying a local or state mitigation requirement shall be perpetual in duration”]; *Building Industry Assn. of Central California v. County of Stanislaus* (2010) 190 Cal.App.4th 582, 594 [“A conservation easement is a voluntarily created interest in real property that is freely transferable in whole or in part and is perpetual in duration. (§ 815.2, subds. (a) and (b).)”).) Thus, the Agency finds it appropriate to refer to easements as “permanent” in the definition of “mitigation.” The Agency acknowledges, however, that some dedications of land for conservation purposes may be of limited duration (such as a 30-year dedication). The proposed text does not preclude lead agencies from adopting temporary easements as mitigation measures, provided

that the lead agency has substantial evidence to support a finding that adopting such a temporary measure actually mitigates the impact of the project.

18. Appendix G is a Sample Form That Lead Agencies May Tailor As Appropriate.

Changes to Appendix G, which contains the sample checklist that agencies use to prepare an initial study, prompted more comments than perhaps any other change in this update to the CEQA Guidelines. As OPR explained in its submission to the Agency, it had originally recommended a major reorganization of the checklist to consolidate categories and remove redundant questions, but stakeholders strenuously objected.

OPR continues to see value in rethinking Appendix G, and notes that Appendix G is just a sample format, not a binding mandate. Nevertheless, one of the purposes of this update is to make the process simpler for lead agencies, not more difficult. Therefore, OPR will not recommend a major reorganization of Appendix G at this time.

(OPR, Thematic Responses to Comments, November 2017.)

Thus, the changes the Agency proposes in this update represent a balance of removing redundant questions while keeping the overall format intact. Still, many comments objected, or suggested improvements, to the questions in Appendix G. Of those comments, many indicated that differently worded questions would better account for particular locations, agency activities, or unique circumstances. Again, the Agency reiterates that Appendix G is only a sample form. As explained in a recent case:

“[T]he Guidelines make clear that the checklist form in appendix G is ‘only suggested, and public agencies are free to devise their own format for an initial study.’ (Guidelines, § 15063, subd. (f).) Furthermore, ‘CEQA grants agencies discretion to develop their own thresholds of significance (CEQA Guidelines, § 15064, subd. (d)).’ [Citation] ‘To require any deviation from [the standards of significance in appendix G] to be documented and justified ... is to elevate Appendix G from a suggested threshold to the presumptive threshold. This flatly contradicts both CEQA’s description of Appendix G as only suggested and CEQA’s mandate that agencies have the power to devise their own thresholds.’ [Citation.]”

(*San Francisco Baykeeper, Inc. v. State Lands Com.* (2015) 242 Cal.App.4th 202, 227 (quoting *Rominger v. County of Colusa* (2014) 229 Cal.App.4th 690).)

Note, none of the changes proposed in Appendix G are intended to limit the scope of analysis that CEQA might otherwise require.

19. Consistency with Plans May Be Relevant to a CEQA Analysis, but Only to the Extent that Inconsistency May Lead to a Significant Environmental Impact.

Comments raised multiple variations of the following question: is inconsistency with a plan an environmental impact? Variations include: does it matter if that plan is “applicable” (i.e., legally binding, advisory, draft, etc.), and, even more specifically, what if a plan requires a certain roadway level of service, but the CEQA Guidelines state that automobile delay is not an environmental impact? Because those issues were raised repeatedly, the Agency addresses those themes below.

Consistency with plan is similar to compliance with a regulation.

Initially, the Agency notes that the question of consistency with a plan is similar to issues involving compliance with environmental regulations. Compliance or non-compliance does not conclusively indicate an impact or lack of impact, but it can be a starting point for a lead agency’s analysis. For example, compliance with a plan that has been adopted to address a cumulative environmental problem can be evidence that the project’s incremental contribution is not cumulatively considerable. (CEQA Guidelines § 15064(h)(3).) Additionally, the focus in the Guidelines has historically been, and continues to be, whether a project’s inconsistency with a plan will result in a significant environmental impact. (*Id.* § 15125(d).) Courts have confirmed this approach. (See, e.g., *The Highway 68 Coalition v. County of Monterey* (2017) 14 Cal.App.5th 883, 893; *Wollmer v. City of Berkeley* (2009) 179 Cal.App.4th 933 (application of a density bonus to exceed limits in a general plan or zoning not necessarily an environmental impact); *Marin Mun. Water Dist. v. Kg Land Cal. Corp.* (1991) 235 Cal.App.3d 1652, 1668 (“A local agency engaged in EIR analysis may not ignore regional needs and the cumulative impacts of a proposed project. ... Thus the Guidelines require an EIR to discuss any inconsistencies between the proposed project and applicable general and regional plans”); see also Pub. Resources Code, § 21100(e) (“Previously approved land use documents, including, but not limited to, general plans, specific plans, and local coastal plans, *may be used in cumulative impact analysis*”) (emphasis added).)

Because the focus of the analysis should be on environmental impacts, whether the plan is “applicable” as a legal matter is not relevant to the environmental analysis.

Under CEQA, the focus of the analysis is generally on the project’s impacts on the environment. When determining consistency with plans and policy documents, there are often questions asking whether the plan is “applicable,” and if so, whether the project is inconsistent with the applicable plan. Both of these are legal determinations. Thus, it is only those plans and regulations that are enforceable against a particular project that a lead agency should consider. A project’s inconsistency with an applicable plan may be relevant to analysis if the inconsistency supports whether a project may cause a significant effect. (*Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170, 1207 (“an inconsistency between a project and other land use controls does not in itself mandate a finding of significance. (Citations.) It is merely a factor to be considered in determining whether a particular project may cause a significant environmental effect.”).)

Automobile delay, even in conflict with a plan, is not an environmental impact.

Because Public Resources Code section 21099 preserves local government authority to make planning decisions, congestion can still be measured for planning purposes. In fact, many general plans and zoning codes contain standards related to congestion. Some comments pointed to such standards to

argue that the Guidelines will still require level of service analysis. Those comments misapprehend the law. Public Resources Code section 21099 expressly states that upon the Agency Secretary's certification of the Guidelines, automobile delay is generally no longer a significant environmental impact. Because the statute states that delay is not an environmental impact, conflict with a plan's congestion standards is not relevant to a CEQA analysis.

20. The CEQA Guidelines Can Only Implement the Statute; Broad Changes in CEQA Practice Require Legislative Changes.

CEQA requires the Agency to adopt administrative regulations to guide the implementation of the statute. As recently explained by the California Supreme Court,

Section 21083 provides the Guidelines “shall include objectives and criteria for the orderly evaluation of projects and the preparation of environmental impact reports and negative declarations in a manner consistent with [CEQA].” (§ 21083, subd. (a).) The Guidelines therefore serve to make the CEQA process tractable for those who must administer it, those who must comply with it, and ultimately, those members of the public who must live with its consequences.

[¶]

Through these Guidelines, the Resources Agency gives public agencies a more concrete indication of how to comply with CEQA—including whether such agencies must determine the impact of existing environmental conditions on a proposed project's residents and users. The Guidelines also prove consequential given that under section 21082, CEQA requires agencies subject to its provisions ... to adopt “objectives, criteria and procedures” for evaluating projects and preparing environmental documents. These agencies may, in turn, adopt the Guidelines by reference to fulfill their statutory responsibilities. (§ 21082; see Guidelines, § 15022, subds. (a), (d).) The Guidelines, in effect, enable the Resources Agency to promote consistency in the evaluation process that constitutes the core of CEQA. And because these Guidelines allow the Resources Agency to affect how agencies comply with CEQA, they are central to the statutory scheme.

(*CBIA v. BAAQMD* (2015) 62 Cal.4th 369, 384-385.) While the Agency plays a key role in CEQA's statutory scheme, it is nevertheless constrained by the statute. It cannot adopt a guideline that “alters or amends the governing statute or case law, or enlarges or impairs its scope.” (*CBE v. Resources Agency* (2002) 103 Cal.App.4th 98, 108.) In other words, the Agency cannot create a requirement that does not exist in the statute, nor can it relieve agencies of requirements that are provided in the statute.

As explained in more detail in the individual responses to comments, the Agency had to reject suggestions for changes to the Guidelines that it simply is not authorized to make. For example, the Agency noticed that some comments expressed dire concern about the requirement to study and mitigate impacts and the potential effect of such studies and mitigation requirements on the ability to

carry out projects. On the other hand, some comments suggested that the Agency require more notice of projects, or additional opportunities to comment. While the Agency is sympathetic to economic concerns, and appreciates the value of public participation, the Agency cannot re-write CEQA. That is the province of the legislature.

Similarly, some comments expressed concern that the Guidelines would enable litigation or give opponents of projects a tool to create delay. Litigation risk and the potential for project delays exist with or without these Guidelines, and with or without CEQA. Our state's constitution defers most land use approvals to local governments, many of which require applicants to go through one or more discretionary project reviews. Moreover, our system of laws provide for judicial review of administrative decisions. Again, the Agency is mindful of those concerns, and where possible, has written the Guidelines to avoid those outcomes. The Agency simply does not have the power to remove development uncertainty completely.

E. Summary and Response to Comments

See Appendix A.

F. Statement of Availability

In issuing its 15-day notice to make modifications to the original proposal, the California Natural Resources Agency (Agency) complied with the requirements of Title 1, section 44. The Agency began the available period for comment to the proposed modifications on July 2, 2018 and closed the official comment period at 5:00 p.m., July 20, 2018. It mailed the notice and the proposed modifications to all persons specified in 1 CCR 44 (a)(1)(4). That same day, it also emailed the notice and proposed modifications to its official list serve for electronic notification. Finally, it made the modifications and changes available on its website along with the official notice on July 2, 2018.

G. ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS

No alternatives were proposed to the Agency that would lessen any adverse economic impact on small business. Some commenters proposed limiting the analysis of vehicle miles traveled to transit priority areas, as that phrase is defined by Public Resource Code section 21099, instead of applying the measure statewide. While not expressly advocated, arguably a reduction in the scope of the application of the Guideline would reduce the negligible impact to impacted small-business consultants who are presently hired to analyze congestion. However, as has been described above, the Agency has determined this would not meet the objectives of the Legislature relative to lead agency consideration of impacts from transportation on the environment in a consistent or accurate way, nor would it result in more cost-savings, or efficiency, since vehicle miles traveled is a more affordable analysis that is already performed when greenhouse gas emissions are being analyzed. Accordingly, the Agency declines to adopt this

alternative. (See also Standardized Regulatory Impact Analysis, at pp. 24-27.) No other amendments or additions created any impacts to small business.

H. ALTERNATIVES DETERMINATION

The Agency has determined that no alternative it considered or that was otherwise identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The amendments adopted by the Agency, by and through the Secretary are the only regulatory provisions identified by the Agency that accomplish the goal of providing accurate and efficient environmental metrics for public agencies legally tasked with applying CEQA.

Except as set forth and discussed in the summary and responses to comments, no other alternatives have been proposed or otherwise brought to the Agency's attention.

ATTACHMENT 2



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October 7, 2024

Via Electronic Mail Only

County of San Diego
Planning & Development Services
5510 Overland Avenue, Suite 210
San Diego, CA 92123
Attn: Bianca Lorenzana
Bianca.Lorenzana@sdcounty.ca.gov

Re: Harmony Grove Village South Recirculated EIR
(SCH# 2015081071)

Dear Bianca Lorenzana:

On behalf of the Elfin Forest Harmony Grove Town Council (“Council”), we have reviewed the Recirculated Environmental Impact Report (“REIR”) for the Harmony Grove Village South project (“Project”). We submit this letter to state our position that the REIR does not correct the inadequacies of the original EIR for the Project that were identified by the Court of Appeal in *Elfin Forest Harmony Grove Town Council v. County of San Diego*, 2021 WL 4785748. Additionally, the REIR prepared for the Project violates the California Environmental Quality Act (“CEQA”) by failing to revise the wildfire analysis to take into account new information showing the serious threats to public safety that would result from approval of this Project. The County cannot legally certify the REIR without correcting its flaws and updating its wildfire and public safety analysis.

This new information—including changes to CalFire’s map designating the entire area around the Project as a Very High Fire Severity and the impassibility of the Project’s supposed emergency egress route—makes clear that this Project poses a true threat to the safety of the community. As wildfire evacuation expert, Thomas J. Cova, Ph.D, explains, in an urgent wildfire scenario, there are “not a sufficient number of safe exit roads with sufficient capacity that lead in multiple directions to add 453 additional housing units without compromising the safety of prospective [Project] residents as well as existing communities.” Dr. Thomas Cova Letter (“Cova letter”) (Exhibit 1) at 7.

Given this information, the only responsible path forward is for the County to deny the Project. Indeed, denying the Project is the only option that is consistent with the County's recent decision to adopt the Fire Safe and VMT Efficient Alternative to the 2024 Climate Action Plan. And the County has full discretion to deny this Project, as it is not allowed by the site's current General Plan designation. In fact, where a general plan amendment is not in the public interest, it must be denied. Gov. Code, § 65358(a). Here, the Project is not in the public interest: it will create a serious safety hazard for the existing community and conflicts with long-standing policies to protect rural lands, prevent sprawl, and reduce wildfire dangers.

The County now has a new opportunity to make the right decision for the environment and the community. The community has repeatedly expressed its concerns that this Project would promote sprawl, increase greenhouse gas emissions that contribute to climate change, and threaten the safety of existing residents in the event of a wildfire. The attached expert reports substantiate these concerns. Before it even considers the Project, the County should demand the most up-to-date information and a thorough analysis of the potential impacts this large-scale development would have on this sensitive region and the health and safety of its residents.

Unfortunately, the REIR fails to provide the public and decision makers with this critical information. It fails to correct the inadequacies in the environmental review identified by the Court of Appeal. In particular, the REIR's analysis of greenhouse gas ("GHG") emissions understates Project emissions, overstates the efficacy of measures proposed to reduce emissions, fails to comply with current analytical requirements, and fails to identify adequate mitigation.

Further, the REIR fails to consider new information and changed circumstances since the 2018 EIR was prepared. The Project conflicts with current County safety, transportation, and climate change policies and presents greater wildfire and public safety risks than were acknowledged in 2018. The REIR fails to analyze these impacts in light of current information, and the Project fails to include design changes or mitigation to reduce these impacts.

The remainder of this letter details the flaws in the REIR's analysis, which are addressed further in the expert analyses by Dr. Thomas Cova ("Cova letter") (Exhibit 1), Baseline Environmental Consulting ("Baseline letter") (Exhibit 2), and Lokahi Group ("Lokahi memo") (Exhibit 3). Each of these reports is incorporated in this letter by reference. We respectfully refer the County to these attached reports for further detail and discussion of the REIR's inadequacies related to wildfire risk and emergency evacuation, quantifying and mitigating for greenhouse gas emissions, inaccurately quantifying

vehicle miles travelled (VMT), and inappropriately characterizing the Project as “infill” to avoid completing a full and complete VMT assessment. Because the reports provide detailed comments on the REIR, we will not reiterate each of those comments in this letter.

I. The County retains full discretion to deny this Project, which is unsafe, environmentally damaging, and inconsistent with the General Plan.

The “Readers Guide” published in conjunction with the REIR suggests that the County’s hands are tied by “res judicata” when it comes to reviewing this Project and its environmental impacts. This is simply incorrect. This Project cannot be approved unless the County amends its general plan to allow it. The County is not required to approve amendments to its general plan and, in fact, must find that such amendments are in the public interest. Gov. Code, § 65358(a). Thus, **the County retains full discretion to deny the Project if it finds it is not in the best interest of the County and the surrounding community.**

This general rule applies even though the Project proposes to develop housing. See Gov. Code, § 65589.5(j) (restrictions on disapproving housing applicable only where a proposed housing development project complies with applicable general plan and zoning standards “in effect at the time that the application was deemed complete”).¹ Because the Project requires basic land use changes, the County has full discretion to deny it. See *Snowball West Investments L.P. v. City of Los Angeles* (2023) 96 Cal.App.5th 1054, 1064, 1088 (upholding city’s denial of rezone from rural agricultural zoning to higher-density residential where the record showed project was not in the city’s RHNA, would be inconsistent with the surrounding density and raised concerns about evacuation in the event of a wildfire).

And there are numerous reasons why the County should deny it. Most obviously, the Project would place hundreds of new residences in a wildfire-prone, rural area of the County, lacking urban services and infrastructure. The Project itself has only one ingress/egress route, and the location of this ingress/egress route—at the beginning of a long, dead-end road—will mean that new residents will block current residents from evacuating safely in the event of a wildfire. Indeed, it was these very conditions that led

¹ The Site is also not on the County’s inventory of sites to meet the Regional Housing Needs Assessment (RHNA). See Housing Element at 6-1, Appendices 6-G and 6-H.

the County to designate the Project site for far less development in the comprehensive 2011 General Plan Update. There is simply no reason to discard the current General Plan designation now to allow this denser, more dangerous Project.

In addition, and as discussed below, even if the County amends the land use maps to allow the Project's higher densities, the Project will remain inconsistent with other fundamental policies in the General Plan. Under the Subdivision Map Act and County zoning, the County cannot approve a tentative map or major use permit unless it finds that the Project is consistent with its General Plan, including its updated Safety Element. Gov't Code §§ 66473.5, 66474(a)-(b). Here, the County simply cannot make those findings.

Denying the proposed general plan amendment would not eliminate all development potential at the site. The site is designated primarily Semi-Rural Residential (SR-0.5) and zoned for low-density, rural residential, agricultural and open space uses, which could allow up to 220 units. See FEIR 1-36 (noting this maximum does not take into account environmental constraints); 3.1.5-5, 3.1.5-42-43, 3-12 (noting development density is reduced for slopes greater than 25%). This current designation was adopted after a lengthy public process with community buy-in. As a matter of good governance, the County should abide by the existing General Plan designation and deny the proposed amendment.

II. The County's approach to revising the Project's CEQA analysis, following the judicial writ directing it to set aside the FEIR and Project approvals in their entirety, is flawed.

The County's narrow response to the writ of mandate has been flawed from the beginning. Rather than taking a hard look at the environmental consequences of the proposed approvals, the County wrongly suggests it was not required to recirculate its new analysis at all, attempts to limit public comment to the revised section, and claims that res judicata bars further analysis. This approach is inconsistent with CEQA, the CEQA Guidelines, and case law.

A. The County was required to recirculate its revised analysis for public review.

The County first erroneously suggests it was not required to recirculate its revised environmental analysis at all. In its August 22, 2024 Notice of Availability, the County states that it was "recirculating for public review Section 2.7 of the [FEIR] and the 2024

Global Climate Change Report, with attachments.” The County also states, however, that recirculation was not “required” because the revisions merely propose new mitigation, suggesting even the limited recirculation it provides was optional. Harmony Grove Readers Guide (“Readers Guide”) at 6.

The County suggests that recirculation is not needed pursuant to CEQA Guidelines Section 15088.5. Readers Guide at 6. This is incorrect. While Section 15088.5 provides that recirculation is not required where new information merely “amplifies or makes insignificant modifications *in an adequate EIR*” (CEQA Guidelines § 15088.5(b) (emphasis added)), here, the Court of Appeal held that the EIR’s GHG analysis was *not* adequate. As a result, the County was required to recirculate the draft EIR.

Caselaw supports this conclusion. Where a court finds an EIR violates CEQA, full compliance with CEQA’s public review provisions is mandatory, not optional. See *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1124-25 (where “original EIR is inadequate,” the “procedures for addressing post[-]certification changed circumstances or new information are inappropriate” and the agency must “prepare a supplemental EIR”); *Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 690 (where an agency’s actions violate CEQA, “it must do the environmental review process over if it wants to approve the project”); see also § 21091(a); CEQA Guidelines §§ 15082-88, 15105, 15162(d), 15163(c) (subsequent or supplemental EIR requires “the same kind of notice and public review as is given to a draft EIR”). These procedures are not optional with regard to the revised portions of the EIR that the Court of Appeal found legally deficient and other portions affected by the EIR’s flaws.

B. The public is entitled to comment on any portion of the EIR where new information or changed circumstances will result in environmental harm that has not been addressed.

The County’s claim (Readers Guide at 7) that comments are appropriate only with regard to the recirculated sections of the 2018 FEIR is also incorrect. Because the trial court required the County to set aside the FEIR and all Project approvals, the County is now reconsidering the Project approvals and must “begin anew the analytical process required under CEQA.” *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 425.

Even where a certified EIR is in effect, an agency must prepare a subsequent or supplemental EIR (“SEIR”) for a project where substantial changes occur with respect to

the circumstances under which the project is being undertaken or new information shows the Project's environmental impacts will be more severe or that there are additional mitigation measures or alternatives that would reduce impacts. § 21166; CEQA Guidelines § 15162(a)(3). Here, the FEIR was decertified, and the County must consider this relevant new information, particularly with regard to transportation and wildfire safety, before certifying an EIR for this Project.

Moreover, absent a vested right or other entitlement (which the Project here lacks), new development must comply with current laws, and even vested rights (which the Project proponent does not have) are subject to new laws necessary to protect public health and safety. See California Land Use Practice (Cal. CEB 2024) §§ 16.8, 16.24 4 (landowner has no vested right in existing or anticipated zoning and an “agency may apply new laws to a development that has a vested right if it is necessary to protect the health and safety of the public”). Thus, before reapproving the Project or certifying its CEQA analysis, the County must analyze the Project's consistency with, and impacts based on, *current* laws, plans, facts, and circumstances—which, as set forth below, have changed significantly in the six years since the 2018 FEIR was prepared—and revise its analysis to address these changes. The public is entitled to weigh in on all of these issues.

C. Res judicata does not apply to the CEQA process.

The County invokes res judicata in attempting to justify its refusal to reconsider the 2018 FEIR except with regard to its limited revision of Section 2.7. See Reader's Guide at 1-2. As an initial matter, res judicata is a legal principle that applies to *litigation* and can bar relitigation of issues adjudicated in an earlier action. It does not preclude an agency from undertaking relevant CEQA analysis, modifying its prior decisions about whether a project's impacts will be significant, or ensuring that San Diego County decisionmakers and the public are provided with all relevant and up-to-date information. See *Center for Biological Diversity v. Dept. of Fish & Wildlife* (2017) 17 Cal.App.5th 1245, 1257-59 (“CBD”) (“we think it clear that ‘the legislature intended that the agency should exercise a continuing jurisdiction with power to modify or alter its orders to conform to changing conditions’ so the ‘doctrine of *res judicata*’ does not bar reconsideration of prior approvals after earlier EIR is decertified and revised) (internal citation omitted). It also does not prohibit the lead agency from reaching a different conclusion about whether the Project's benefits outweigh its significant environmental harms.

In any case, res judicata would not bar the legal claims raised in this letter. Res judicata prevents relitigation of issues that were raised or could have been raised in an

earlier proceeding. *Plan. & Conservation League v. Castaic Lake Water Agency* (“PCL”) (2009) 180 Cal.App.4th 210, 226 (emphasis added). The doctrine is not a bar to further litigation if “there are changed conditions and new facts which were not in existence” at the time of the original action. *Id.* at 227. Thus, res judicata would not bar the public from making claims based on new circumstances or new information.

Res judicata also would not bar claims based on the portions of the EIR that have been revised or new County findings as these issues could not have been raised earlier. *See PCL*, 180 Cal.App.4th at 227-28 (challenges to a revised EIR “involve distinct episodes of purported noncompliance” regarding “the public’s statutory right to an adequate EIR” and are not barred by res judicata) (citation omitted).

Likewise, res judicata would not bar claims that the revised analysis fails to cure the deficiencies identified by the Appellate Court. *PCL*, 180 Cal.App.4th at 227-28. This includes arguments that the County failed to consider how its revision of the GHG analysis implicates other portions of the EIR. For example, in a related case against the County that successfully challenged the same Project, the Court of Appeal concluded that the GHG analysis was not severable from the FEIR because the deficiency of the GHG mitigation measure raised larger CEQA issues:

[S]everance is not appropriate here because the GHG emission mitigation measure is intertwined with the EIR. As Sierra Club states, “upon reexamination of mitigation measure M-GHG-1, the County may conclude additional alternatives are feasible or must be analyzed. Changes to project requirements driven by changes to [the measure] might require revision to various impacts areas, including, for example, traffic and circulation and air quality impacts.” Further, if CEQA-compliant offsets are not available, then the project would likely require modifications in other areas.

See Sierra Club v. County of San Diego (Case No. 37-2018-00043084-CU-TT-CTL), Court of Appeal Opinion (unpublished), December 21, 2021, at 37-38. To fully address the Project’s GHG emissions, the EIR should have been revised to consider different, lower-emission alternatives, changes in the scope of development, or redesign of the Project to reduce emissions.

III. The REIR fails to correct the deficiencies in the EIR's greenhouse gas (GHG) analysis and mitigation.

The original EIR for this Project acknowledged that it would result in substantial greenhouse gas emissions. 2018 Draft EIR (“DEIR”) 2.7-20 (stating that “the total amount of Project estimated annual (operational) GHG emissions is 5,222 MT CO₂e over the existing environmental setting” which would “result in significant GHG impacts”). To mitigate this significant environmental impact, the EIR required the Project proponent to purchase and retire carbon credits through a CARB-approved registry or, if there was no such registry, “any other reputable registry or entity, to the satisfaction of the Director of PDS [Planning and Development Services].” *Id.* 2.7-24 (M GHG-1).

The Town Council and the Sierra Club challenged this measure, alleging that it did not provide objective performance standards necessary for deferred mitigation, nor did it provide any assurance that the offsets would, in fact, be effective at reducing the Project's climate change impacts. Both the trial court and the Court of Appeal agreed, noting that a virtually identical mitigation measure had been found to violate CEQA in *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467, 482. In particular, the Court of Appeal found that the GHG mitigation measures in the 2018 FEIR violated CEQA because “they lack objective performance criteria to ensure the effective and actual mitigation of greenhouse gas emissions, and also improperly defer mitigation.” Opinion at 3; *see also id.* at 33 (concluding that “M-GHG-1 and M-GHG-2 provide no reasonable assurance that greenhouse gas reduction will actually occur, and they are thus invalid under CEQA”).

Given this decision, for the County to even considering recertifying the EIR for this Project, it must first correctly analyze Project GHG emissions and then identify new mitigation that complies with CEQA and reduces the Project's impacts to a level of insignificance. As discussed below, the REIR fails to do this.

Moreover, as we noted in our August 29, 2023 comment letter, the County's revised GHG analysis must reflect current statewide GHG reduction targets. *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 225-26; *League to Save Lake Tahoe v. County of Placer* (2022) 75 Cal.App.5th 63, 121-22. The State has released new GHG reduction targets since the 2018 EIR was prepared. For example, in November 2022, CARB released a new Scoping Plan (“CARB 2022 Scoping Plan”).² It requires “aggressive reduction of fossil fuels” and “rapidly moving to zero-emission transportation,” and identifies “a technologically feasible and cost-effective path

² <https://ww2.arb.ca.gov/sites/default/files/2023-04/2022-sp.pdf>

to achieve carbon neutrality by 2045 and a reduction in anthropogenic emissions by 85 percent below 1990 levels.” CARB 2022 Scoping Plan at 1, 3; *see also* Executive Department, State of California, Executive Order N-79-20.³ And in 2021, SANDAG adopted an updated regional plan designed to “meet our state requirement to reduce GHG emissions by 19% below 2005 levels by the year 2035.” SANDAG 2021 Regional Plan, December 2021 at 45.⁴ The Regional Plan recognizes that the County cannot meet new GHG reduction mandates “without reducing the number of miles [VMT] that people drive on our roadways.” *Id.* The REIR also fails to adequately analyze the Project’s consistency with these new plans and directives.

For the reasons set forth below, and in the letters from Baseline (Exhibit 2) and Lokahi (Exhibit 3), the REIR must be revised and recirculated.

A. The REIR underestimates GHG emissions from Project-generated VMT.

The REIR calculates GHG emissions from Project-generated car trips by first estimating the annual vehicle miles travelled (VMT). To that end, the REIR states that mobile source emissions were based on the projected generated traffic volumes of 4,010 Average Daily Trips (ADT), with an average trip length of 7.88 miles. The trip distance of 7.88 miles was also updated manually within CalEEMod for this GHG analysis. Based on 4,010 trips per day with an average trip length of 7.88 miles, the Project would generate approximately 31,600 VMT per day and 11,534,000 VMT per year. *See also* Baseline letter at 1-2.

Due to an apparent error, however, the CalEEMod report included in the Global Climate Change Study (August 15, 2024) (GCCS) calculated the Project’s annual GHG emissions based on an annual VMT of approximately 10,212,000 VMT. GCCS 53, pdf 169. In other words, **the REIR understates annual VMT resulting from the Project by over 1.3 million miles.** As a result, the estimated GHG emissions from annual VMT were underestimated by approximately 11.5 percent.

Using the correct figures would show that the Project’s emissions, in metric tons (MT) of carbon dioxide equivalent (CO₂e) per year, would be approximately 368

³ <https://www.gov.ca.gov/wp-content/uploads/2020/09/9.23.20-EO-N-79-20-Climate.pdf>

⁴ <https://www.sandag.org/-/media/SANDAG/Documents/PDF/regional-plan/2021-regional-plan/final-2021-regional-plan/final-2021-regional-plan-flipbook.pdf>

MTCO₂e greater than reported in the REIR, as shown below in **Table 1**, which reflects the correct GHG emissions as calculated in the Baseline letter:

Table 1. Corrected GHG Emissions Analysis for Project-Generated VMT

Source	RFEIR Analysis (MTCO ₂ e/Year) ¹	Baseline Analysis (MTCO ₂ e/Year) ²
Mobile (excluding reductions from EVs)	2,846	3,214

Notes: EV = electric vehicle

¹ Page 2.7-45 of the RFEIR, Table 2.7-5.

² Emissions from the RFEIR analysis were scaled up to account for the 11.5% underestimate in annual VMT.

B. The REIR overestimates GHG emission reductions from on-site solar energy production.

The REIR also overestimates GHG emission reductions anticipated from on-site solar energy production. As the Baseline letter explains, in calculating these reductions, the REIR made two unfounded assumptions. First, it assumed that the Project would get all of its electricity from the grid (rather than the rooftop solar that is part of the Project); second, it assumed that the Project would deliver all of the energy produced by the rooftop solar back into the grid. These assumptions are unfounded because the Project will be able to obtain its on-site electricity needs directly from the rooftop solar, and then will deliver back into the grid only the energy that exceeds the Project's projected consumption.

As a result of these unfounded assumptions, the REIR overstated the Project's GHG offset produced by the proposed rooftop solar. Instead of offsetting 1,848 MTCO₂e per year, as the REIR states, the Project will only offset 1,155 MTCO₂e per year. **Table 2** below summarizes these figures:

Table 2. Corrected GHG Emissions from Energy Use and On-Site Solar Energy Production

Source	RFEIR Analysis (MTCO ₂ e/Year) ¹	Baseline Analysis (MTCO ₂ e/Year) ²
Electricity Consumption	462	0
Excess Solar Energy for SDG&E Grid	- 2,310	- 1,155
Total Reduction	- 1,848	- 1,155

Notes:

¹ Page 2.7-45 of the RFEIR, Table 2.7-5.

² Emissions from the RFEIR analysis for excess solar energy were scaled down to only account for 3,150 MWh of the total 6,300 MWh of solar energy produced by the project.

C. The REIR identifies insufficient mitigation for the Project.

The Baseline letter demonstrates that, using a correct analysis of GHG emissions, the Project would generate approximately 2,100 MTCO₂e per year, about twice the GHG emissions reported in the REIR. The proposed mitigation is therefore inadequate. Mitigation Measure M-GHG-1 (REIR 2.7-35-38) must be revised to include installation of additional solar PV panels capable of generating enough power to offset 2,100 MTCO₂e per year to achieve net zero emissions.

Table 3. Corrected GHG Emissions Reduction Analysis from On-Site Solar Energy Production

Source	RFEIR Analysis (MTCO ₂ e/Yr) ¹	Baseline Analysis (MTCO ₂ e/Yr) ²
Area	6	6
Electrical	462	0
Mobile	2,846	3,214
Waste	133	133
Water	84	84
Diesel Generators	14	14
Amortized Construction	123	123
8 EV Charging Stations at the Center House	-38	-38
453 EV Chargers at Garages	-258	-258
On-Site Residential Solar	-2,310	-1,155
2,045 Trees	-24	-24
Total	1,038	2,100

Notes:

¹ Page 2.7-45 of the RFEIR, Table 2.7-5.

² Updated values based on Tables 1 and 2 of this letter.

Because the REIR has failed to identify adequate mitigation for the Project's GHG impacts, the REIR has not corrected the deficiencies identified by the court in *Elfin Forest Harmony Grove Town Council v. County of San Diego*, 2021 WL 4785748. The REIR's analysis must be corrected and additional mitigation required before the County considers certifying this REIR.

D. The REIR uses an inappropriate significance threshold.

The REIR states that a project will have a significant climate change impact under the CEQA Guidelines if it would "[c]onflict with an applicable plan, policy, or regulation that was adopted for the purpose of reducing the emissions of GHGs." REIR Section

2.7.2.1. The REIR then goes on to conclude that the Project would have less-than-significant impacts because it would be “carbon-neutral by design.” REIR at p. 2.7-32.

This analysis is flawed for at least two reasons. First, the REIR asserts that there “is no approved CAP” (REIR at 2.7-17), and thus fails to analyze the Project’s inconsistency with the County’s recently adopted 2024 CAP. In fact, because the Project requires a General Plan amendment, it is inconsistent with the CAP and therefore its emissions are presumptively significant under the CEQA Guidelines and the CAP itself. *See* 2024 CAP FEIR (May 2024)⁵ 4-7 (County’s “in-process GPAs and *future GPA applications are inconsistent with the CAP Update if they are inconsistent with the density or intensity allowed in the General Plan*”) (emphasis added); *see also* County Guidelines for Determining Significance, Climate Change, October 2023⁶ at 2 (stating that a proposed project “would normally have a cumulatively considerable contribution to climate change impacts if it is found to be inconsistent with the County’s Climate Action Plan”).⁷ Because the Project does not (and cannot) resolve its inconsistencies with the CAP, the climate change impacts remain significant.

Second, the REIR fails to provide substantial evidence that making the Project “carbon neutral” would be consistent with the goals of achieving statewide carbon neutrality by 2045, reducing statewide emissions to 85% below 1990 levels by 2045, or reducing VMT to 30 percent below 2019 levels by 2045 (CARB 2022 Scoping Plan, p. 194.) . REIR 2.7-18; *see also* CARB 2022 Scoping Plan at 3, 194; Draft CAP at 8 (CAP seeks to achieve “net zero carbon emissions by 2045”). As the California Supreme Court has reasoned, to achieve statewide goals, new development will often have to achieve even greater GHG reductions than existing development. *See Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 225–226 (agency failed to support finding that achieving statewide level of reduction efforts would be adequate standard for individual projects). In other words, the fact that a new project is in line with average required reductions does not mean that it is doing enough to reduce GHG emissions.

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https://www.sandiegocounty.gov/content/dam/sdc/sustainability/docs/publicreview/CAP_FinalSEIR_Attachment_F_Final-SEIR-2024.pdf

6

https://www.sandiegocounty.gov/content/dam/sdc/sustainability/docs/publicreview/CAP_FinalDraft_A-8_CAP-Consistency-Checklist_Guidelines-for-Determining-Significance.pdf

⁷ Thus, this Project may not rely on the CAP to avoid further environmental review, because it is inconsistent with the General Plan. CAP FEIR at 4-7.

Because emissions may be intractable in some sectors of the economy, new projects, which facilitate new growth, may have to reduce more than average. The REIR must be revised and recirculated to consider whether further emission reductions are necessary to be truly consistent with the cited state and local climate change plans.

IV. New information indicates that the Project will have more significant impacts than originally anticipated, requiring further analysis and recirculation.

As the Town Council has repeatedly argued in prior discussions with and letters to the County, given the years that have passed since the preparation of the 2018 EIR, the County must update and recirculate the EIR in its entirety. Significant new information is now available that triggers CEQA requirements for preparation of subsequent environmental review and circulation. The REIR dismisses these comments, claiming that *res judicata* excuses the County from considering new information, and that recirculation is not required. *See* Notice of Availability for REIR, August 2, 2024, at 2 (“All other issues have been resolved by litigation and, as such, are not subject to further examination and the conclusion as to CEQA significance...to the 2018 FEIR remain the same.”). This rationale is incorrect.

An agency must revise its analysis to consider “[s]ubstantial changes [that] occur with respect to the circumstances under which the project is being undertaken” and “[n]ew information, which was not known and could not have been known at the time the environmental impact was certified as complete, becomes available.” *See* § 21166(b), (c); CEQA Guidelines, § 15162(a)(2), (a)(3)(A), (B). Here, the entire EIR has been decertified and thus, before it is recertified, must be revised in light of *current* laws, plans, and circumstances.

While this is true for all impact areas, the science and policy behind transportation, GHGs, VMTs and wildfire safety in particular have evolved substantially in the six plus years since the Harmony Grove Village South (“HGVS”) Project was approved in 2018. The REIR, therefore, must carefully review and revisit these issues to ensure its analysis is up-to-date. This review should also include consideration of mitigation measures to address any now-significant impacts, including Project redesign to comply with current state and County policies and requirements and development of a truly viable secondary egress to reduce evacuation times and save lives.

A. San Diego County has adopted new transportation planning guidance applicable to the Project, which the REIR ignores.

The REIR fails to analyze the Project's consistency with *current* state and County policy on VMT, GHGs and planning. For example, the County adopted new Transportation Study Guidelines in September 2022 and the new 2024 Climate Action Plan on September 11, 2024.⁸ The County cannot, and should not, ignore years of work that went into adopting the latest transportation and air quality planning and rely instead on obsolete standards and policies to approve this Project.

1. County Transportation Study Guidelines

In September 2022, the County adopted new Transportation Study Guidelines ("TSG" or "Guidelines").⁹ The Guidelines present "an evaluation of quantitative and qualitative analyses and objective and predictable evaluation criteria and performance measures for determining whether a land development project or a public project like a community plan has a significant traffic impact on the environment pursuant to [CEQA], as well as a determination of the required level of CEQA analysis." TSG at 1.

The TSG provides thresholds for determining if a project would need to conduct a vehicle miles travelled (VMT) analysis under CEQA and recognizes that, under the CEQA Guidelines, VMT analysis is the "primary metric" for evaluating transportation impacts. *See* CEQA Guidelines §15064.3; TSG at 1. As the TSG explains, a VMT analysis ensures compliance with state law (SB 743), determines project compliance with VMT significance thresholds, and helps identify appropriate mitigation. TSG at 3-4.

Here, rather than complying with the TSG and undertaking a VMT analysis, the REIR adopts a confusing and inconsistent approach to VMT. On the one hand, it recognizes that a new VMT analysis is central to its GHG analysis and mitigation, uses various VMT figures in its analysis, and states that a "subsequent analysis has been completed." *See* REIR 2.7-32 fn. 2. Yet at the same, the REIR concludes that the Project

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https://www.sandiegocounty.gov/content/dam/sdc/sustainability/docs/publicreview/CAP_FinalDraft_Attachment_A_CAP_Draft-Final.pdf (final not available on CAP website as of October 7, 2024)

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<https://www.sandiegocounty.gov/content/dam/sdc/pds/SB743/Transportation%20Study%20Guide%20-%20FINAL%20-%20September%202022.pdf>

is “exempt” from a full VMT analysis under the County’s adopted TSG. REIR 2.7-32. This conclusion is erroneous.

a. The Project is not exempt from a VMT analysis under the TSG.

The TSG states that projects under established thresholds are assumed to have a less than significant impact on VMT and are exempt from further analysis of transportation impacts. To make this initial determination, applicants are required to complete a Scoping Agreement for Transportation Studies. *See* TSG at 7, Appendix A. Here, however, it appears that no scoping agreement was prepared.

Rather, the REIR incorrectly concludes that the Project is exempt from a VMT Analysis because it is “infill.” The Guidelines state that if a project is located in an “infill area,” a VMT analysis does not need to be completed. A project is considered infill if it is:

- (1) identified in the County’s location-based maps; or
- (2) meets infill criteria outlined in Appendix D to the TSG, an October 2021 “Infill Areas in Unincorporated San Diego County Memo,” prepared by Fehr & Peer.

TSG at 9.

For the first threshold, the Project site is not identified on any of the County’s location-based maps in Appendix D that signify a site meets infill characteristics, including:

- Figure 1: Household Density in Unincorporated San Diego County
- Figure 2: Intersection Density in Unincorporated San Diego County
- Figure 3: Employment Accessibility in Unincorporated San Diego County
- Figure 4: Areas of the Unincorporated County Which Meet Infill Definition
- Figure 14: County Village Areas that Overlap Infill Areas
- Figure 15: Areas of Unincorporated County Which Meet Infill Definition and Adjacent TAZs

For the second threshold, both the TSG and its Appendix D recognize that infill development is defined by the State Office of Land Use and Climate Innovation (formerly Office of Planning and Research (“OPR”)) as “building within unused and underutilized lands within existing development patterns, typically but not exclusively

within urban areas.” TSG at iv.¹⁰ A definition for “infill” is also codified in California’s Public Resources Code section 21061.3: An “Infill site” means a site in an urbanized area that meets either of the following criteria:

(a) The site has not been previously developed for urban uses and both of the following apply:

(1) The site is immediately adjacent to parcels that are developed with qualified urban uses, or at least 75 percent of the perimeter of the site adjoins parcels that are developed with qualified urban uses, and the remaining 25 percent of the site adjoins parcels that have previously been developed for qualified urban uses.

(2) No parcel within the site has been created within the past 10 years unless the parcel was created as a result of the plan of a redevelopment agency.

(b) The site has been previously developed for qualified urban uses.

See Appendix D at 4; Pub. Resources Code §21061.

Neither condition (a) nor condition (b) apply to the Project site. Thus, the Project does not meet these accepted definitions of “infill.”

The TSG also establishes criteria to define and map infill in the unincorporated areas of San Diego County, which include:

1. **Household density** above 385 housing units/square mile.
2. **Intersection density** above 128 intersections/square mile.
3. **Job Accessibility** above 12.73 (an inverse distance-weighted sum for employment opportunities within a 15-mile radius).

TSG at 20.

If a project site were to meet all three criteria above, the REIR suggests that the site could be considered infill. *Id.* A memorandum prepared by County consultants Intersecting Metrics concluded the Project site meets these three criteria and would be exempt from further VMT analysis under the TSG. The Intersecting Metrics analysis states that “the HGV Specific Plan area has 123 existing intersections (note there are 6 existing intersections in the Harmony Grove South area), resulting in an intersection density of 136 intersections per square mile (the Proposed Project will add an additional 9

¹⁰ See also Governor’s Office of Land Use and Climate Innovation, Infill Development webpage: <https://opr.ca.gov/planning/land-use/infill-development/>

intersections). This is well above the infill requirement of 128 intersections per square mile relevant to an exemption.”

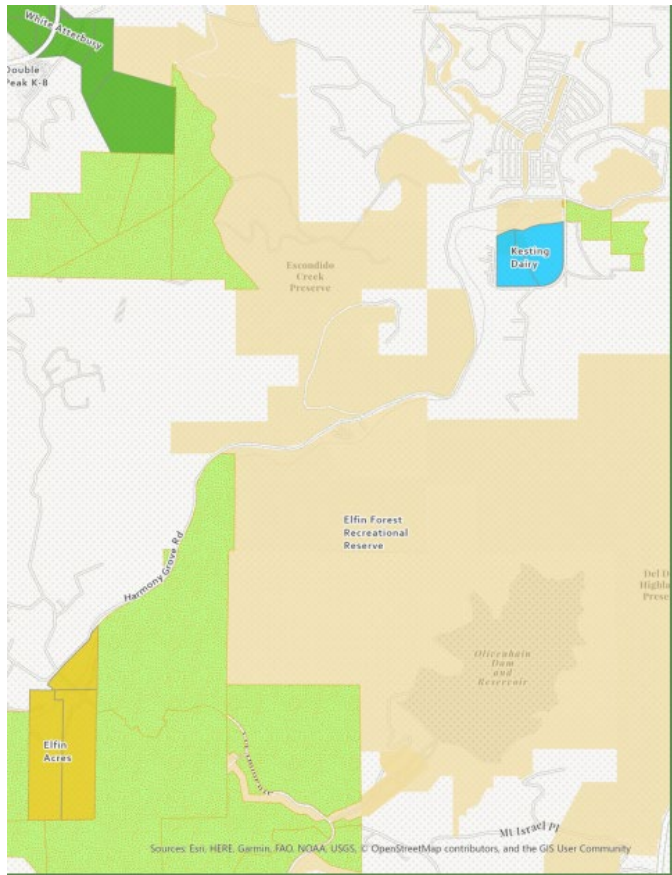
As a preliminary matter, to the extent these TSG criteria conflict with state law definitions of infill, or result in a determination that sprawl projects, like the Project at issue here, are considered “infill,” they must be disregarded.

But here, the Project does not even meet these criteria. As the Lokahi memo (Exhibit 3) explains, the Infill Analysis prepared for the Project contains a fundamental error: It overstates the number of intersections in the area. In particular, it labels 22 road crossings as “intersections” even though they do not meet the definition of intersection. When properly analyzed, there are only 104 intersections within the relevant area, resulting in an intersection density of 116 intersections per square mile. This density falls below the 128 intersections per square mile required for the Project to be considered infill. *See generally* Exhibit 3.

In short, the Project cannot be considered infill under any of the metrics presented above. Thus, the Project must be required to complete a VMT analysis that addresses the Project’s transportation impacts and informs the Project’s greenhouse gas emissions analysis. The REIR’s assertion that no VMT analysis is required is based on inaccurate facts and an incorrect assessment by the County’s consultants.

b. The Project conflicts with other TSG provisions.

The Project is also inconsistent with basic transportation policy reflected in the TSG. For example, the TSG recognized that the General Plan requires “focusing density in unincorporated villages” and “conserving open space and agricultural lands.” TSG at 2; *id.* at 20 (the “county’s General Plan identifies villages as areas where a higher intensity and a wide range of land uses are established or have been planned”). This Project does the opposite: it would develop a major new residential subdivision in a rural area outside of currently designated villages. The Project does not encourage infill, as the TSG requires, but rather places new development directly adjacent to current open space such as the Del Dios Highlands Preserve, which connects to the Elfin Forest Recreational Preserve and Escondido Creek Preserve:



*Escondido Creek Conservancy, Connecting Conservation Corridors*¹¹ at 5; see also DEIR Figure 1-3.

The TSG also recognizes that a cumulative impacts analysis is critical: “Cumulative analysis is necessary to determine if a project contributes to future year VMT impacts.” TSG at 27. Yet here, there was no cumulative impacts analysis. Likewise, the TSG states that projects must have a Transportation Demand Management (“TDM”) plan that quantifies VMT reductions. TSG at 28. This Project has no TDM.

c. The County failed to perform a Local Mobility Analysis (“LMA”).

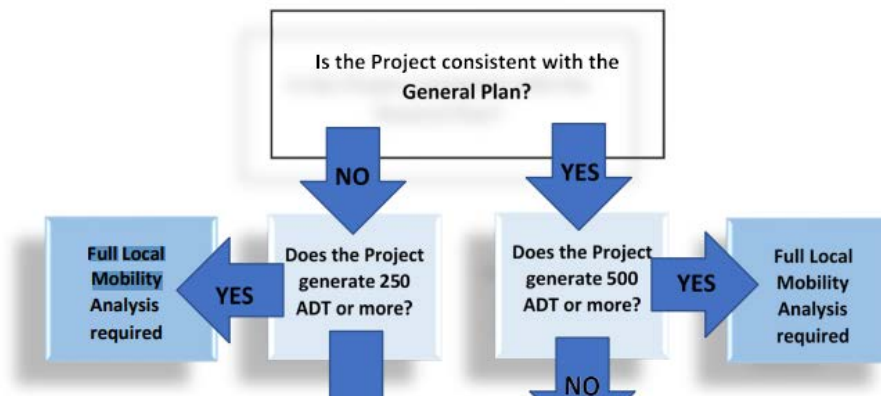
¹¹ <https://escondidocreek.org/wp-content/uploads/2023/11/Connecting-Conservation-Corridors-2023.pdf>

Under the TSG, new projects must also undergo a Local Mobility Analysis (“LMA”) screening. TSG at 6. Although an LMA was required for this Project under TSG criteria, none was performed.

The TSG states that a full LMA is required for projects that are inconsistent with the General Plan and have 250 or more daily greater trips (or consistent with the General Plan and have more than 500 daily trips):

County of San Diego Transportation Study Guidelines

FIGURE 3 - DETERMINING LOCAL MOBILITY ANALYSIS TYPE



TSG at 33. Here, the Project is not consistent with the General Plan *and* it will have 4,010 ADT. Thus, an LMA was mandatory.

An LMA would have required a detailed and updated analysis of key areas of controversy for this Project: site access and circulation; potential safety conflicts; updated traffic counts (“no more than two years old”); existing, opening year and future with and without-project scenarios; trip generation data; and trip reduction strategies. TSG at 35-40. An LMA would also require a “high-level discussion regarding secondary/emergency access and emergency evacuation planning with the local Fire District and emergency service agencies.” *Id.* at 48.

Because no LMA was required, the public was deprived of information and analysis that the County has already recognized, in adopting the TSG, is critical in a Project like this that will generate substantial traffic.

2. 2024 Climate Action Plan Update

The FEIR also fails to consider the policies and implementation measures in the recently adopted 2024 Climate Action Plan Update (“2024 CAP”).¹² The 2024 CAP lays out numerous plans and policies for reducing GHG emissions from private vehicles and landscaping, increasing transit, increasing energy efficiencies, reducing emissions from waste, and protecting agriculture. 2024 CAP at v-x. The FEIR does not assess these policies or the Project’s consistency—or lack of consistency—with them.

The 2024 CAP is notable in that it continues to promote the type of focused land use planning adopted in the *current* General Plan. It recognizes that “[h]ousing production and climate action are deeply intertwined,” that “sprawl development” has increased driving and that “[s]trategically planning for new housing that meets housing demand and is located in or near places with existing infrastructure services, such as in the County’s rural villages, will provide opportunities for residents to live closer to where they work or frequently visit and making walking, bicycling, rolling, or taking transit viable transportation options.” 2024 CAP at 11.

Moreover, the Board further reinforced this approach by voting to adopt the Climate Action Plan’s fire safe and VMT efficient alternative, rather than the proposed action.¹³ The Project is flatly inconsistent with this policy, which focuses on approving growth *outside* high risk areas: “Under this alternative, future land development that is consistent with the General Plan and an accompanying proposed Smart Growth Overlay would be focused in currently urbanized areas that are identified as VMT efficient outside of High and Very High Fire Hazard Zones.” CAP FEIR at 5-25.¹⁴

¹² Because final approval documents are not currently available, this letter cites the Draft Final 2024 CAP (June 2024), the most current document posted by the County.https://www.sandiegocounty.gov/content/dam/sdc/sustainability/docs/publicreview/CAPFinalDraft_Attachment_A_CAP_Draft-Final.pdf.

¹³ See <https://www.kpbs.org/news/environment/2024/09/13/county-supervisors-adopt-climate-action-plan-with-new-smart-growth-strategies>. At this time, the final approvals and implementation actions for this alternative are not available on the County’s website: <https://www.sandiegocounty.gov/content/sdc/sustainability/climateactionplan/seir.html#Volume1>.

¹⁴

https://www.sandiegocounty.gov/content/dam/sdc/sustainability/docs/publicreview/CAPFinalSEIR_Chapter_5_Alternatives.pdf

The Project, of course, conflicts with these CAP policies. Instead of planning for growth within the County's rural villages, it would allow extensive growth in a Very High Fire Hazard Zones, *outside* established villages and infrastructure service areas where public transit is very limited.

B. San Diego County has adopted new wildfire safety planning guidance applicable to the Project, which the REIR ignores.

The REIR also fails to analyze the Project's consistency with current state and County policy on wildfire safety and planning. The Town submitted extensive comments covering these issues in its July 19, 2024 letter to the Rancho Santa Fe Fire Protection District ("Letter to RSFFPD"), which is attached as Exhibit 4 to this letter and incorporated by reference. As noted in the letter and further detailed below, the County has revised critical emergency planning documents since the 2018 EIR was prepared.

1. The County has adopted numerous new planning documents and updated its code requirements.

The County has revised and updated many of the planning documents relied on in the 2018 EIR (many of which were approved years earlier). For example, the County's latest Hazard Mitigation Plan ("HMP") was adopted in 2023¹⁵ and shows the increasing wildfire risk faced by San Diegans:

With hotter temperatures and possibly fewer rainy days in the coming decades, vegetation could become drier. As a result, it is likely that San Diego region will see an increase in the frequency and intensity of fires, making the region more vulnerable to devastating fires like the ones seen in 2003 and 2007.

HMP at 145. Likewise, the County has adopted revised or updated versions of its Operational Area Emergency Operations Plan (2022),¹⁶ the San Diego Operational Area

¹⁵

https://www.sandiegocounty.gov/content/dam/sdc/oes/emergency_management/HazMit/2023/MJHMP_SD%20County%20Base%20Plan%202023.pdf

¹⁶

https://www.sandiegocounty.gov/content/dam/sdc/oes/emergency_management/plans/op-area-plan/2023-eop/EOP2023_Complete%20Plan.pdf

Evacuation Plan (Annex Q) (2022),¹⁷ the San Diego Operational Area Recovery Plan (2019),¹⁸ the Community Wildfire Protection Plan (CWPP) (2019),¹⁹ and the County of San Diego Vulnerability Assessment and Adaptation Report (2021).²⁰

The 2018 EIR for example, relies on sheltering in place. *See* DEIR 3.1.3-22 to -32 (Project incorporates “shelter in place” fire protection philosophies and physical attributes). The latest Annex Q, however, recommends shelter-in-place only as a last resort. Annex A at 12 (“The concept of shelter-in-place is an available option in those instances where physical evacuation is impractical.”) Indeed, though there have been isolated instances of people sheltering-in-place during urgent wildfire activity, this approach has never been tested with a mass shelter-in-place for residential homes. *See* Cova letter at 5-6.

Since the initial project was approved six years ago, the Elfin Forest Harmony Grove community also created a Fire Safe Council, which then adopted a Community Wildfire Protection Plan in 2022. The Wildfire Protection Plan recognizes the need for a “[d]ata-driven analysis of multiple evacuation scenarios” and a “realistic timeline to evacuate each community.”²¹ This evaluation is especially important in light of evidence showing that the past HGVS analysis did not include realistic evacuation timelines. *See* Cova letter at 3-5 (modeling numerous scenarios that “would not offer enough time” to evacuate the entire Harmony Grove community).

The County has also updated its Fire Code requirements, including provisions affecting requests for modifications and dead end roads. County 2023 Consolidated Fire

¹⁷

https://www.sandiegocounty.gov/content/dam/sdc/oes/emergency_management/plans/op-area-plan/2022/EOP2022_Annex%20Q.pdf

¹⁸

https://www.sandiegocounty.gov/content/dam/sdc/oes/emergency_management/plans/Operational-Area-Recovery-Plan/SDC_OPERATIONAL%20AREA%20RECOVERY%20PLAN_FINAL_20190815.pdf

¹⁹ https://firesafesdcounty.org/wp-content/uploads/2023/09/CA_SanDiego_CNTY_2019.pdf

²⁰ <https://www.sandiegocounty.gov/content/dam/sdc/pds/gpupdate/VulnerabilityAssess-AdaptRpt.pdf>

²¹ <https://firesafesdcounty.org/wp-content/uploads/2016/01/2022-EFHG-CWPP-FINAL-DRAFT.pdf> at 15.

Code (“Fire Code”)²² at 80 (outlining revisions since 2020). The public is entitled to an analysis of any changes to the Fire Code since 2014 and how they impact the Project.

Finally, “County staff have updated long range planning documents including the General Plan Safety Element in 2022 to include new evacuation route data, analysis, and policies in response to state law.” See HMP at 18. The 2018 FEIR contains no analysis of the extent to which the Project complies or fails to comply with these *current* policies. As detailed in Section V.B, such an analysis would show that the Project is inconsistent with numerous current Safety Element policies addressing wildfire risk, access, and evacuation.

2. The County should require preparation of a new Fire Protection Plan under the 2024 Fire Protection Plan Guidelines

The County adopted a requirement that discretionary approvals include a Fire Protection Plan (“FPP”) in order to ensure there was a thorough analysis of issues like “fire history” and “compliance with applicable codes and regulations.” DEIR 3.1.3-14. An FPP is required for any subdivision map or major use permit in fire prone areas like this one.

When required. Planning and Development Services or the FAHJ shall require an applicant for a parcel map, subdivision map, specific plan or major use permit for any property located in a wildland-urban interface fire area to submit a Fire Protection Plan (FPP) as part of the approval process located in mapped any Fire Hazard Severity Zones for LRA and SRA.

County Code Sec. 4903.1.1.

Here, however, the County is relying on a Fire Protection Plan from 2018 (FEIR, Exhibit L), which, in turn, relies on RSFFFD approval from **2016**. FPP, Appendix F (RSFFPD approval dated 6/15/2016). The FPP states it is consistent with the Fire Code from **2014** and relies on County significance guidelines from **2010**. FPP at 3, E-3. Much of the FPP’s analysis relies on even older documents. See FPP at 57 (citing CAL FIRE 2013 Fire and Resource Assessment Program); E-2 (fuel model from 2005); Appendix G (Safety Master Plan dated 5/10/2016).

²² <https://www.sandiegocounty.gov/pds/docs/cosd-fire-code.pdf>

The County also recently updated its Fire Protection Plan Guidelines (“2024 FPPG”).²³ Because the County is considering anew the applications for a subdivision map, specific plan and major use permit, a *current* FPP is required that complies with the *current* FPP guidelines. The County cannot simply ignore the warnings and policies in the 2024 FPPG, many of which are directly applicable to this Project.

Under the new FPP guidelines, for example, applicants for development approvals must consult with the Fire Department and include all mitigation necessary to comply with their recommendations. 2024 FPPG at 26. Written findings of fact must be made showing that the project will minimize fire hazards and will not have a significant adverse impact on fire hazards. *Id.* at 26-27. In addition, all new development “shall comply” with stated requirements, including:

- “New development shall provide for emergency vehicle access and adequate fire-flow water supply in compliance with applicable fire safety regulations. **Development in areas with insufficient access, water pressure, fire flows, or other accepted means for adequate fire protection shall be prohibited.** “
- “**New development shall be limited if served by a street or street system restricted to a single route of access to a highway...**”

Id. at 27-28. Developers must also indemnify the County for wildfire risk. *Id.* at 28.

Under the heading BEST PRACTICE, the 2024 FPPG warns that other jurisdictions “limit the number of lots that can be located on a single point of access” in order “to control the number of County residents who may be placed at risk[,] need to evacuate, limit the number of structures that may be destroyed, and reduce the risks to firefighters created in defending those structures.” *Id.* at 28. The guidelines recognize increased density increases risk:

This is particularly important in limiting the development of new primary dwelling units in [Fire Hazard Severity Zones (FHSZs)] as recent California legislation permitting up to two ADUs on many single-family lots significantly increases the existing risks by increasing the potential number of County residents that may be at risk when wildfire emergencies

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<https://www.sandiegocounty.gov/content/dam/sdc/pds/ceqa/FireCEQAGuidelines2024/Public%20Review%20FPP%20Guidelines%20%20Format%20Clean%20.pdf>

occur. **Any increase in occupancy in FHSZs creates additional risk, regardless of whether occupancy occurs in primary dwelling units or ADUs.**

Id. at 28.

The 2024 FPPG rejects the complacent attitude reflected in the EIR toward wildfire risk. It notes that the 2022 California Attorney General’s “Best Practices” identify that “development of wildlands situates more people into ‘harm’s way’ for wildfire exposure. In particular, the AG cites the lack of adequate evacuation planning or evacuation impediment due to lack of sufficient transportation infrastructure.” *Id.* at 30. The guidelines continue:

Some EIRs have concluded that the conversion of some wildland vegetation into paved development reduces or does not increase wildfire risk. This conclusion is contrary to existing evidence and the well-accepted understanding that the fundamental driver of increased wildfire risk is the introduction of people into a flammable landscape. Accordingly, the conversion of vegetation into developed land does not obviate the need for lead agencies to carefully consider and model how the addition of development into wildfire prone areas contributes to the risk of wildfire.

Id. at 33.

In evacuation planning, the guidelines recognize the County goal is “to not detract from evacuation times for existing communities if new development is determined to use the same routes. New road improvements or infrastructure may be needed to achieve this goal.” *Id.* at 34. The County must also consider “simultaneous means of emergency vehicle response access commensurate with public evacuation.” *Id.* at 34. Evacuation modeling should, among other things, assess timing for evacuation for existing and future populations and quantify travel times under likely emergency scenarios. *See id.* at 33-34; *see also* Cova letter at 3-5. Fire protection plans should also include “contingencies for large animal safety when such animals are present.” 2024 FPPG at 35. Although horses and horse trailers are common in Harmony Grove, the FPP fails to address this issue.

The Guidelines also warn of the dangers of single access point projects like the HGVS:

Developments with inadequate access (e.g., long roads with a single access point, roads over steep grades, improper road surfaces, and/or

narrow roads) **significantly contribute to the inability to effectively evacuate residents during a disaster (wildfire, earthquake, or flood) and provide necessary emergency access for fire, ambulance, or law enforcement personnel.**

Id. at 52. The guidelines contain detailed standards for dead-end roads—standards that have never been applied to this Project to determine if it complies. *Id.* at 53.

The 2024 FPPG states that an FPP “will be reviewed for compliance with all applicable ordinances and regulations.” *Id.* at 75. Clearly, this means *current* ordinances and regulations, not those from years ago. As the guidelines state, for projects located in high wildfire risk areas, “evacuation modeling and planning should be considered and developed at the time of project review and approval.” *Id.* at 34. While the Guidelines are warning against deferred analysis, this instruction applies equally to outdated analysis. Evacuation modeling should be current at the time of approval, not based on outdated modeling and analysis. This is because the “ultimate objective is to allow for informed decision-making that minimizes the environmental and public safety hazards associated with new developments that increase the risk of ignition and impede evacuation in high wildfire prone areas.” *Id.* at 34; *id.* (thresholds of existence should reflect “existing” evacuation objectives); *see also id.* at 27 (new development “shall be sized, sited, and designed to minimize risks to life and property from fire hazard, considering changes to fire risk caused by increasing global temperatures”).

Finally, the guidelines restrict the granting of Fire Code exemptions, noting: **“Alternate measures that do not exceed the level of safety provided by the requirements of the adopted plans, codes, and regulations, will not be approved.”** *Id.* at 74. To allow a modification the Fire Authority Having Jurisdiction (FAHJ) must include an explanation of why compliance is impractical and how the approved modification does not lessen safety requirements. *Id.* at 75. Nothing in the existing record shows that the Project features “exceed the level of safety” that would be achieved by complying with the code’s strict limits on dead-end road development.

In short, the 2024 FPPG contains numerous provisions and requirements that warn against exactly the type of Project proposed here: a higher density residential development on a single access, dead-end road. The guidelines make clear that these types of projects should be denied, not granted variances. The REIR, however, fails to evaluate the Project under the 2024 FPPG, or any of the other recently amended safety and emergency plans and instead asks the County to approve this Project based on an outdated FPP that relies on 2011 guidelines and a field assessment and Fire Code regulations from **2014**. *See* FPP at 3. The Project requires a new FPP that addresses the

current fire history and complies with the most current regulations and new CEQA analysis that recognizes the significant wildfire risks this Project creates.

C. Changes to conditions on the ground require revisions to the EIR’s wildfire analysis.

1. The level of wildfire activity has substantially increased since 2018.

The County’s prior EIR for the HGVS Project was certified six years ago and much of the underlying data is even older. Wildfire activity has significantly worsened in that time period. California’s Office of Environmental Health Hazard Assessment reports that “in 2020, 4.2 million acres burned in California, more than double the area burned in any previous year.”²⁴ Indeed, ten of California’s largest wildfires since 1950 burned in 2020 and 2021.²⁵ As the Legislature recently declared:

California faces arguably the most complex and severe wildfire disaster conditions in the nation that pose threats to our people, property, economy, and environment. These challenges and complexities grow in magnitude each year.

Catastrophic wildfires pose an urgent threat to lives, property, and resources in California. Seventeen of the 20 largest wildfires in California history have occurred since 2000, and 6 of the 7 largest wildfires occurred in 2020 alone

It is in the best interest of the state that our wildfire preparedness and response infrastructure include and integrate the most effective and evidence-based scientific and technological perspectives and tools to address the wildfire threat facing California.

²⁴ “Wildfires,” California Office of Environmental Health Hazard Assessment, available at [https://oehha.ca.gov/climate-change/epic-2022/impacts-vegetation-and-wildlife/wildfires#:~:text=Annual%20number%20of%20large%20wildfires%2C%201950%2D2023&text=The%20number%20of%20large%20fires%20\(10%2C000%20acres%20or%20more\)%20has,burned%20in%202020%20and%202021](https://oehha.ca.gov/climate-change/epic-2022/impacts-vegetation-and-wildlife/wildfires#:~:text=Annual%20number%20of%20large%20wildfires%2C%201950%2D2023&text=The%20number%20of%20large%20fires%20(10%2C000%20acres%20or%20more)%20has,burned%20in%202020%20and%202021) (accessed on 9/30/24).

²⁵ *Id.*

Section 1 of [Stats.2021, c. 239](#) (S.B.109) (paragraph numbering omitted). These findings highlight the increasing dangers of wildfires and the critical importance of an updated and evidence-based analysis of this threat.

The County recognized California’s dramatic increase in wildfire activity in its 2020 decision to deny Lilac Hills Ranch, which had previously been evaluated and recommended for approval in 2013. See Letter from Mark Wardlaw, Director of Planning and Development Services, to San Diego County Planning Commission re “Update on the Lilac Hills Ranch Project Fire Safety Issues,” June 12, 2020. The County should do the same here.

2. The fire severity status of the surrounding area has substantially changed since the 2018 EIR was certified.

An EIR must fully analyze the risks of siting projects in hazardous areas. See *California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 388 (“EIR should evaluate any potentially significant impacts of locating development in other areas susceptible to hazardous conditions (e.g., ...wildfire risk areas) as identified in authoritative hazard maps, risk assessments or in land use plans addressing such hazards areas”) (internal quotations omitted).

Since the 2018 EIR was certified, CalFire has updated its Fire Severity maps to reflect the increased fire severity risk in the area surrounding the proposed HGVS site. Whereas previous maps showed moderate (low risk) areas in Harmony Grove Village and Eden Valley, as of June 15, 2023, the entire area surrounding the would-be Project site is now Very High Fire Severity.²⁶ In other words, the proposed HGVS Project is no longer adjacent to a moderate fire area.

This change undercuts the basic assumption of the 2018 EIR’s evacuation analysis, which relied on Harmony Grove Village as a safe haven for Harmony Grove Village South residents in case of fire. See, e.g., DEIR at 3.1.4-22 (concluding that the Project would not increase the “frequency, duration, or size” of wildfires because “the developing HGV Project has created a *large lower risk area* . . . [thus] reducing the fire threat at the Project site”) (emphasis added); see generally FEIR Wildland Fire Evacuation Plan: Harmony Grove Village South Community.

The 2018 EIR relied on the relatively safety of Harmony Grove Village to support its conclusion that impacts associated with wildland fire hazards would be less than

²⁶ See Exhibit 6 for comparative CalFire fire severity maps.

significant. DEIR at 3.1.4-26. As the appellate court noted, the fire plan and Wildfire Risk Analysis both “describe availability in a community park, within interior tract streets inside the larger Harmony Grove community, and a 5,000 square-foot, 330 person-capacity community center stocked with emergency supplies.” *Elfin Forest Harmony Grove Town Council v. County of San Diego*, 2014 WL 7485748 at *20 (describing “a contingency option where evacuation routes are rendered unsafe” and “direct[ing] evacuees to pre-planned temporary refuge locations”). The CalFire chief, whose testimony the court found persuasive, also relied on sheltering-in-place in what were considered (in 2018) to be moderate fire risk areas to endorse the Project. *Id.*

The situation has changed. The upgrading of the area’s CalFire fire severity levels for locations that the County previously identified as appropriate for sheltering in place undermines the wildfire impact conclusions in the 2018 EIR. As noted, sheltering-in-place has never occurred in a mass residential setting; it could potentially lead to late evacuations if the wildfire changes suddenly and fire authorities are unable to communicate the new risk to residents soon enough. See Cova letter at 5-6. Very High Fire Severity areas could be more prone to urgent, fast-moving fires based on “fuel loading, slope, fire weather, and other relevant factors including...winds.” Gov. Code § 51178. Moreover, there is no evidence that the Project’s fire-hardening measures would provide refuge in these areas. Ignition-resistant construction and fuel modification zones “are defined to protect structures from ignition and not occupants.” Cova letter at 5-6. There is no evidence that residents will be able to safely shelter-in-place in a Very High Fire Severity zone.

Sheltering in place is thus no longer a viable option in Harmony Grove Village. The EIR should determine if there is a nearby location where Harmony Grove area residents could safely shelter in place, calculate how long it would take for residents to reach this location if evacuation routes were limited, and estimate how many residents the location could shelter. Moreover, in light of these changes, the Project’s evacuation analysis must be updated and the EIR must identify wildland fire hazards to be significant and unavoidable. CalFire’s new recognition that the Very High Fire Severity designation extends not only to the potential HGVS site, but the entire surrounding area is a substantial change in circumstances; the REIR must be revised to update the wildfire analysis under the revised CEQA Guidelines. See Pub. Res. Code § 21166(b).

3. The “road” the County relied on as “emergency egress” in its 2018 analysis has significantly changed and become even more impassable.

The Project does not comply with the state or local fire code requirements. The 2023 Fire Code requires a maximum of dead-end roads of 800 feet for parcels zoned for less than 1 acre. Fire Code Sec. 503.2.5.2. The 800-foot maximum is a “cumulative” figure that must include the length of a “dead end road, including all dead end roads accessed from that dead end road.” *Id.* The code defines a dead-end road as a “road that has only one point of vehicular ingress/egress, including cul-de-sacs and looped roads.” State law also provides that the maximum cumulative dead-end road shall not exceed 800 feet. Cal. Code Regs. (“CCF”), tit. 14, § 1273.08(a).

The 2018 FPP admits that the Project violates this provision (or an earlier version) because the “dead-end road that leads to the most distant structure on HGVS measures approximately 0.8 miles [4,224 feet] to the intersection of Harmony Grove and Country Club Drive.” FPP at 20. In other words, the Project proposes dead-end roads that are more than five times the permissible 800-foot maximum.

The Fire Code does permit the fire code official to authorize a modification of fire codes, but it may do so only if compliance with the code “impracticable” and the modification “is in compliance with the intent and purpose of this code” and “does not lessen health, life and fire safety requirements.” 2023 Fire Code Sec. 104.9; *see also* FPP at 34-35. State regulations also permit an exception, but only where the alternative provides the “Same Practical Effect” as a regulation in providing Defensible Space. CCR, tit. 14, § 1270.07(a). “Same Practical Effect” is defined as “an Exception or alternative with the capability of applying accepted wildland fire suppression strategies and tactics, and provisions for fire fighter safety, including: (1) access for emergency wildland fire equipment, [and] (2) safe civilian evacuation....” *Id.* § 1270.01(aa).

The “intent” of dead-end requirements is to ensure that roads “shall provide for safe access for emergency Wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a Wildfire emergency.” CCR, tit. 14, § 1273.00. Because dead-end roads eliminate access, the only real way to grant a variance from these requirements that do not “lessen health, life and fire safety requirements” is to provide secondary access as the revised County Fire Code makes clear:

The fire code official is authorized to require more than one fire apparatus road when a new subdivision is proposed, and the maximum

allowable dead-end road length is exceeded (Sec. 503.2.5.1.).... This requirement is based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climate conditions or other factors that could limit access. **When additional fire apparatus roads are necessary as mitigation for the exceedance of maximum allowable dead-end road length, the additional fire apparatus access road must be remote from the primary fire apparatus road** as determined by the fire code official.

2023 Fire Code Sec. 503.1.2 (Secondary Access). One condition for a fire road is that it should normally have “an unobstructed improved width of not less than 24 feet.” *Id.* Sec. 503.2.1(a).

In 2018, the FEIR identified the secondary access option with “the least physical challenges,” as Alternative 4, which centered on “improving sections of a privately owned off-site road that connects east of the Project with Johnston Road (a public road beyond its gates where it crosses into the City of Escondido, becomes a two-lane road and eventually intersects with Citracado Parkway to the east).” DEIR at 3.1.3-20 to-21. The FEIR acknowledged that this alternative, and all other alternative access roads, were “infeasible due to difficulties in obtaining legal access rights from property owners.” *Id.* at 3.1.3-21.

Despite finding Alternative 4 infeasible, however, the EIR nevertheless claimed that the “route to the east is accessible by typical passenger vehicles, does connect with Johnston Road to the east, and would be available in an emergency situation where people needed to be moved to the east and the primary access route (Country Club Drive) was not available.” *Id.* at 3.1.3-23. Indeed, the FPP identifies this “Alternative Evacuation Route” as one of several “measures and project features that reduce risk and are *integral components of the fire protection system*.” FPP 40 (emphasis added; capitalization removed).

The Court of Appeal also pointed to Johnston Road as an alternative evacuation route in upholding the 2018 EIR’s wildfire safety analysis. *Elfin Forest Harmony Grove Town Council v. County of San Diego*, 2014 WL 7485748 at *19 (stating “the EIR and fire plan address the availability of an alternative evacuation route connecting to another road (Johnston Road).... Project residents could not use the road for secondary access, but ‘the roadway would be available for use to connect to Johns[t]on Road in emergency situations’”).

Now six years later, the physical on-the-ground reality has changed. The County still does not have legal access rights from the private property owner of the off-site road that connects to Johnston Road. And, critically, the conditions on the road have deteriorated so that the road is functionally undrivable. This dirt road was never passable by “typical passenger vehicles,” as the County claimed. But the road is now so impassible that even a four-wheel-drive vehicle cannot access this route. See photos provided by Town Council members, below.



Photo of private off-site “road” connecting to Johnston Road, September 27, 2024



Photo of private off-site “road” connecting to Johnston Road, September 27, 2024



Photo of private off-site “road” connecting to Johnston Road, September 27, 2024

As the photos show, the dirt “road” connecting to Johnston Road is in many places no more than a trail barely wide enough for a single hiker. The road’s deterioration constitutes a “substantial change...with respect to the circumstances under which the project is being undertaken,” especially since the Court of Appeal assumed that the dirt path could be used to access Johnston Road and would provide an adequate secondary egress in upholding the County’s wildfire safety analysis. See § 21166(b), (c); Guidelines, § 15162(a)(2), (a)(3)(A); *Elfin Forest* at *19. The County must revisit its wildfire evacuation analysis and significance conclusions in light of the off-site dirt road’s complete impassibility.

4. The County’s assessment of this new information regarding wildfire conditions must comply with new state CEQA Guidelines and Attorney General guidance documents.

In addition to the new County plans and policies described above, the state has made changes to its wildfire-related CEQA policies and guidance. Not only must the

County revisit its wildfire analysis in light of the significant new information described above, but, when it does so, it must conduct CEQA review in compliance with current state laws and regulations “in effect when the document is set out for public review.” Guidelines, § 15007(c). The Notice of Availability of the REIR was sent out on August 22, 2024. Thus, the REIR’s analysis must reflect current County criteria and conform to current state guidelines.

Since 2018, CEQA Guidelines section 15126.2(a) and Appendix G have been revised to incorporate new standards for wildfire safety. Pursuant to Appendix G, for example, for projects located in or near very high fire hazard severity zones, an EIR must assess if the project would impair emergency response or evacuation plan, “exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire,” require the installation or maintenance of infrastructure that may exacerbate fire risk, or “expose people or structures to significant risks.” As the California Resources Agency notes, these revisions “clarif[y] that a lead agency should consider not just existing hazards, but the potential for increasing severity of hazards over time. The change is necessary because certain types of hazards are expected to be more severe in the future due to our changing climate. Examples include ... more intense wildfires.” 2018 CEQA Final Statement of Reasons,²⁷ p. 39. The Agency also concluded that while wildfire risk already exists in wildland-urban interface areas, “bringing development to those areas makes the risk worse.” *Id.* at 87.

The County must also revise the EIR to address the State Attorney General’s 2022 guidance paper, Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act, issued October 10, 2022.²⁸ In this guidance paper, the AG lays out the threat to the State posed by wildfire:

In the last ten years, new legislation passed requiring local jurisdictions to consider wildfire risks in their planning processes. The Governor’s Office of

²⁷ See

https://files.resources.ca.gov/ceqa/docs/2018_CEQA_Final_Statement_of%20Reasons_11218.pdf (Full report attached as Exhibit 7).

²⁸ Available at <https://oag.ca.gov/system/files/attachments/press-docs/2022.10.10%20-%20Wildfire%20Guidance.pdf> (attached as Exhibit 8).

Planning and Research (OPR) recently published comprehensive guidance to help local agencies comply with these requirements.

Id. at 5.

Adherence to this guidance will ensure that the County meets the requirements of the new wildfire risk evaluation criteria in conformance with State law. In addition, the County must include an appropriate significance threshold for wildfire hazard based on the CEQA Guidelines (*see* Guidelines, Appendix G), fully analyzing the site's inadequate ingress/egress and evacuation risks in the case of a major wildfire, and adopting feasible mitigation to reduce wildfire hazards. *See* Elfin Forest Harmony Grove Town Council's FEIR Comment Letter ("FEIR Comments") (July 24, 2018) at 18-24 (attached as Exhibit 5 and incorporated by reference).

The revised analysis must also reconsider the EIR's significance threshold and apply it in light of current knowledge and policies. The FEIR's significance standard states that wildfire impacts are significant if the Project "cannot demonstrate compliance with all applicable fire codes," is inconsistent with a "comprehensive FPP," and "does not meet the emergency response objectives identified in the Public Facilities Element of the County General Plan." DEIR 3.1.3-19; *see also* 2024 FPPG at 38 (FPP must "demonstrate compliance with the applicable fire code"). Under this standard, the Project's impacts must be considered significant because the REIR does not even analyze, much less "demonstrate compliance" with, current fire codes and the FPP is obsolete and has not been updated to comply with the 2024 FPPG. (With regard to the third standard, the General Plan does not have a "Public Facilities Element," and the Safety Element does not have "emergency response objectives.") Accordingly, the conclusion that wildfire impacts are not significant (DEIR 3.1.3-27) is baseless and must be reevaluated.

Similarly, the conclusion that emergency response impacts are insignificant because the Project would not "impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan" (DEIR 3.1.3-27-28) is baseless because the REIR does not evaluate the Project against current response or evacuation plans or the updated 2024 FPPG.

The 2018 EIR's conclusion that putting hundreds of homes in a high-wildfire risk area with only a single access road represents an "insignificant" wildfire risk is simply untenable in light of current policies and codes, CEQA standards and AG guidance. By downplaying the risk, the EIR proposed *no* mitigation or alternatives. *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 656 ("compressing the

analysis of [environmental] impacts and mitigation measures” into a single discussion “disregards the requirements of CEQA”). The EIR must be revised to analyze wildfire and evacuation risks under current laws and policies and based on current information, identify these impacts as significant, and propose mitigation and alternatives that will ensure public safety. As the Attorney General warns, “an EIR that concludes that certain project design features or mitigation measures will reduce or eliminate all potential wildfire risks, without first describing those risks, fails to fully analyze the project’s impacts” and “fails to equip the decision makers with the necessary information to properly address the impacts by adopting project design features, mitigation measures, or alternatives.” 2024 FPPG at 36.

D. The EIR’s cumulative impacts analysis should be revised and recirculated in light of new development near the proposed Project site.

Any environmental review must also consider the cumulative impacts of all new development that was not contemplated in the General Plan or analyzed in its EIR, as well as past, present or planned approvals by neighboring jurisdictions. The plethora of projects in the Project area that have been constructed or proposed since 2018 are themselves “new information” warranting additional CEQA review and revised significance determinations. These include, for example, Sweetwater Place and Sweetwater Vistas (approved, December 2017); any new or revised proposals for the Valiano and Otay 250 projects; and the Newland Sierra, Warner Ranch; Lilac Hills Ranch; Property Specific Requests GPA; and Harvest Hills. Any revised cumulative impacts analysis must consider whether cumulative development is consistent with the County’s General Plan Village Model and numerous supporting policies to ensure compact development, protect open space, avoid sprawl, minimize fire risks, and provide affordable housing. *See, e.g.*, Goal LU-1; Policies LU-1.2, LU-1.3, LU-2.5, LU-10.3, LU-5.1, LU-5.3, LU.6-10, LU.6-11, S.1-1, and H-1.9.

Moreover, it is not enough to simply identify a list of approved, pending and proposed projects in the County. The most important step is analyzing the combined environmental impacts of the Project and past, present, and reasonably foreseeable future projects whose impacts might compound or interrelate with those of the Project. *See* Guidelines §§ 15130(a), 15355(b).

For example, if the County approves more intense land uses at odds with the General Plan, this will result in changes in traffic patterns and increases in vehicle miles traveled (VMT) and emissions that must be identified and mitigated. *See Galante Vineyards v. Monterey Peninsula Water Management District* (1997) 60 Cal.App.4th

1109, 1123. The County must therefore analyze how unplanned growth will impact the region's ability to attain the federal and state pollutant standards. *See also* FEIR Comments at 39-42. Likewise, the cumulative impacts of siting new development in Very High or High Fire Hazard Severity Zones must be addressed, including increased ignition risks, loss of life and property, evacuation risks, loss of critical habitat, and public health impacts. Other important cumulative issues include transportation-related energy consumption, GHG emissions and consistency with the County General Plan and other countywide plans addressing transportation and plant and wildlife conservation. *See* FEIR Comments at 47- 56.

Currently, the County is considering a number of projects that could have significant impacts on the wildfire safety and evacuation times for the Project area, including:

- *Solaris Business Park*: Located at the end of Country Club and Autopark Way, this business park's egress will be onto Country Club Road ahead of HGVS residents and other community members.²⁹ This proposed project would include 500,000 square feet of building space that could include office, medical office, auto sales, light industrial, and other uses. This could increase the number of vehicles on the road and lengthen evacuation times in a wildfire event. *See* Cova letter at 6.
- *Harmony Grove Village Yoz Community Center*: Located in Harmony Grove Village (2625 HG Village Parkway), the 20,245 square foot community center with 99 parking spaces proposed for this 1.85 acre site would provide religious services and other community events.³⁰ Though the community center would not be located directly on Country Club Drive, it could generate additional evacuation traffic on that main egress road. *See* Cova letter at 6.
- *Seguro Battery Storage Facility*: This 23 acre site located on the 1000 block of Country Club Drive will potentially house 216 40-foot shipping

²⁹ *See* City of Escondido, "Initial Study Part II," PHG20-0035 Solaris Business Park Project, at 5 ("Country Club Way serves as an emergency access for the project onto Country Club Drive.")

³⁰ *See* Item L (Major Use Permit: PDS2024-MUP-24-005), San Dieguito Planning Group Meeting Agenda, May 9, 2024 at 3, available at <https://www.sandiegocounty.gov/content/dam/sdc/pds/Groups/sandieguito/2024/SD240509AG.pdf>.

container sized units filled with lithium ion batteries. While this project is unlikely to generate much additional vehicular traffic, the County should nevertheless consider the “additional fire hazard and evacuation complication” that could be created in siting lithium battery storage in a Very High Fire Severity Zone that previously burned in the 2014 Cocos Fire. See Cova letter at 6-7. Given that there is no evidence about how battery storage facilities hold up to intense wildfire heat, ashes (impacting the hundreds of HVAC systems) and other conditions, the County must disclose and analyze this potential hazard in its cumulative impacts analysis for the Project.

V. The Project is inconsistent with controlling policies of the General Plan and Elfin Forest and Harmony Grove San Dieguito Community Plan.

As noted above, the proposed Project requires the County to approve a tentative map. Under the Subdivision Map Act, the County cannot approve a tentative map unless the Project is consistent with its General Plan. Govt C §§ 66473.5, 66474(a)-(b); *see also Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 785 (project invalid where it conflicts with the general plan due to traffic and other impacts). The same is true for the requested major use permit. *See* Zoning Code Section 7538(b).

Here, the proposed Project is inconsistent with a host of General Plan policies, specifically policies related to land use planning and safety. The County has broad authority to deny projects based on its own land use authority and duty to protect public safety under its police powers, entirely separate from CEQA. In making land use decisions to approve or deny projects, the County is not bound by any findings in its prior EIR, principles of res judicata, or any other doctrine. *Santa Clara Valley Water District v. San Francisco Bay Regional Water Quality Control Board* (2020) 59 Cal.App.5th 199, 214 (holding that “[n]o matter how final and unassailable the EIR might be under CEQA,” the water board has the authority to deny discharge under permits under state law and the “the EIR’s finality cannot prevent the Board from exercising its independent Porter-Cologne Act authority to protect water quality.”).

A. The Project is inconsistent with General Plan Land Use Policies.

Even if the land use maps are amended to allow higher density, the Project will remain inconsistent with fundamental policies central to the planning philosophy in the General Plan. These policies require development to be compatible with environmental conditions and constraints such as topography and flooding (Policy LU 1.4); prohibit leapfrog development, or development of village densities located away from established

villages or outside established water and sewer service boundaries (Policy LU-1.2); and bar use of established or planned land use patterns in nearby jurisdictions as the primary justification for adjusting land use designations (Policy LU-1.5). *See* GP at 3-23 to 3-24. The Housing Element Update similarly provides that: “To maintain the semi-rural character and pattern of development in [Semi-Rural and Rural] communities, residential growth is directed away from Rural and remote areas with minimal public services to areas where higher density and a less rural character is consistent with the existing pattern of development and the availability of public services.” GP at 6-14.

The Project is inconsistent with these policies. It proposes to flatten the hilltops and undertake massive grading of the Site’s steep slopes (approximately 850,000 cubic yards of cut and fill). FEIR at 1-25. It also proposes high density development outside the village boundary and required annexation into a sewer district to provide wastewater service. FEIR at 3.1.10-3. The Project does not maintain the planned pattern of development in the local community but undermines it.

The Project also violates the Community Plan. Its central purpose is to limit village expansions to ensure compact development while maintaining the rural character of the surrounding lands. As part of the General Plan, its policies are legally binding. *See* GP 1-12 (“As integral components of the County of San Diego General Plan, Community Plans have the same weight of law and authority in guiding their physical development.”).

In adopting the Community Plan, the County foresaw that developers would want to up-zone properties outside the villages to allow high density development and explicitly restricted their ability to do so. To focus urban growth in existing communities and prevent sprawl, the Community Plan requires that new development use on-site septic systems, which helps maintain the large-lot, rural atmosphere. Policy CM-10.2.1 requires “all proposed new development to use septic systems with one septic system per dwelling unit.” CP at 39. This requirement is an essential component of the Community Plan’s broader rejection of sprawl development. “Septic systems are the sole and preferred sewage management for Elfin Forest, because they ensure that Elfin Forest—Harmony Grove will remain a rural community.” CP at 39.

The Community Plan also forbids the County from approving new developments that will cause urban residences to greatly outnumber rural residences in the community, thereby drowning out rural voices. *See* CP at 27 (“Policy LU-1.1.1: Restrict land uses to single-family rural residences, equestrian or large animal estates, and agricultural uses. Policy LU-1.1.2 Require minimum lot sizes of two acres outside the Village Boundary . .

. .”), 19 (“Development of these parcels with an urban, clustered or suburban design would threaten the continued existence of the rural residential and equestrian character of Harmony Grove.”). High-density development of the Site would irrevocably alter the community’s rural atmosphere by introducing urban-style development, with resulting noise, traffic, and other impacts. The nearby Harmony Grove Village Project has already provided urban residences in the greater Harmony Grove area; adding more with the HGVS Project would create an imbalance in favor of urban housing and undermine the intent of the Community Plan.

The County’s “Specific Plan/Specific Plan Amendment Applicant’s Guide” provides that a Specific Plan cannot be approved unless the County finds that it “systematically implements and is consistent with the General Plan and applicable Community or Subregional Plan,” is compatible with adjacent development, and is adequately served by public services and facilities. These findings cannot be made here.

B. The Project is inconsistent with General Plan Safety Policies.

The Project is also inconsistent with numerous general plan policies governing public safety and thus cannot go forward. *See* Gov. Code, § 66473.5 (legislative body must find that tentative maps are consistent with general plan policies). The Safety Element was updated in 2022 and thus the Project must be evaluated against *current* policies. As an initial matter, the Safety Element states that its policies are “interrelated” with the land use element because “Land Use Maps seek to minimize future development in hazardous areas.” General Plan 7-3. Here, while the current maps *do* minimize development on the Project site, the Project undermines this policy by proposing a map amendment to *increase* development on this high-hazard area.

Among the “key issues” in the Safety Element are measures to ensure “Protection of Evacuation Corridors.” General Plan 7-13. The plan states: “Development in the WUI to include **multiple access/egress routes when the maximum dead-end road distance is exceeded.**” *Id.* (emphasis added). The Project is flatly inconsistent with this provision.

The Safety Element includes numerous requirements to ensure that plans are developed in accordance with *current* evacuation requirements and fire codes:

S-2.1 Future Fire Protection Plans shall evaluate evacuations in accordance with the evacuation standards adopted by the San Diego County Fire Protection District.

S-2.3 Community Evacuation Plans should be developed, evaluated, and revised periodically in concert with future updates to the County's EOP Annex Q.

S-4.5 The width, surface, grade, radius, turnarounds, turnouts, bridge construction, vegetative management and brush clearance around roadways, and lengths of fire apparatus access roads shall meet the requirements of the State and San Diego County Consolidated Fire Codes. All requirements and any deviations will be at the discretion of the Fire Code Official.

S-6.3 Reassessment of Fire Hazards. Coordinate with fire protection and emergency service providers to reassess fire hazards after wildfire events to adjust fire prevention and suppression needs, as necessary, commensurate for both short- and long-term fire prevention needs.

General Plan at 7-10, 18. The Safety Element repeatedly recognizes the importance of *updated* fire safety analysis. *See id.* at 7-8 (Policy S-1.8: "Update County Ordinances, Standards, and Design Guidelines to integrate the best practices and regulations that reduce hazard vulnerability and improve resilience throughout the county"); 7-15 (Policy S-3.3: "Periodically update County datasets to include newer, more relevant information and mapping to support effective emergency response and hazard mitigation. Provide updated information to emergency responders to help ensure easier and faster response times").

The County has made numerous changes and revised critical documents since the 2018 EIR was prepared. For example, the General Plans notes that the County's Hazard Mitigation Plan ("HMP"), which is incorporated into the General Plan, must be updated every five years and that the General Plan incorporates future updates. GP at 7-5, 7-7. As noted above, the County's latest HMP was adopted in 2023, yet the REIR does not analyze the Project's consistency with its requirements. The Safety Element also relies on numerous County emergency plans and policies which have been revised and updated since 2018, including, as noted above: the Operational Area Emergency Operations Plan, San Diego Operational Area Evacuation Plan (Annex Q), San Diego Operational Area Recovery Plan, Community Wildfire Protection Plan (CWPP), and the County of San Diego Vulnerability Assessment and Adaptation Report. *See* Safety Element at 7-6.

The County requires updating of its wildfire, evacuation and safety policies and reports for good reason: to ensure that these policies reflect, and are based on, *current*

data, science, policy, and standards. It would be absurd for the County to require its staff to spend years of effort to update emergency response documents, only to disregard them in approving new development. Here, the County proposes to do just that: approve the Project based on an outdated emergency analysis that relies on policies and standards dating back to 2011. The Safety Element relies and incorporates current emergency standards and the Project must rely on these standards to be consistent with the General Plan.

The Project is also inconsistent with numerous goals and policies requiring responsible development:

GOAL S-4 Minimized Fire Hazards. Minimize injury, loss of life, and damage to property resulting from structural or wildland fire hazards.

S-4.1 Defensible Development. Require development to be located, designed, and constructed to provide adequate defensibility and minimize the risk of structural loss and life safety resulting from wildland fires.

S-4.2 Development in Hillside and Canyons. Require development located in wildland areas, near ridgelines, top of slopes, saddles, or other areas where the terrain or topography affects its susceptibility to wildfires to be located and designed to account for topography and reduce the increased risk from fires. **Density reduction may be necessary to reduce fire hazards if the location and design of the development cannot reduce the threat effectively.**

S-4.5 Access Roads. **Require development to provide additional access roads where feasible to provide for safe access of emergency equipment and civilian evacuation concurrently.** The width, surface, grade, radius, turnarounds, turnouts, bridge construction, vegetative management and brush clearance around roadways, and lengths of fire apparatus access roads shall meet the requirements of the State and San Diego County Consolidated Fire Codes. All requirements and any deviations will be at the discretion of the Fire Code Official.

S-4.6 Fire Protection Plans. Ensure that development located within fire hazard areas implement measures in a Fire Protection Plan that reduce the risk of structural and human loss due to wildfire.

S-2.2 Advise, and where appropriate, require all new developments to help eliminate impediments to evacuation within existing community plan areas, where limited ingress/egress conditions could impede evacuation events.

S-2.3 Identify community plan areas that have reduced or limited circulation access and develop an evacuation plan, including an Evacuation Traffic Management Plan and recommended improvements to ensure adequate evacuation capabilities.

S-2.7 All development proposals are required to identify evacuation routes at the Community Plan level and identify and facilitate the establishment of new routes needed to ensure effective evacuation.

General Plan at 7-11, 15. The Project is inconsistent with these policies because it exacerbates, rather than minimizes the risk of death and property destruction in the event of a wildfire, increases rather than reducing density in a high-hazard area, and provides *less not more* access than the Fire Code requires. Moreover, the Project does not eliminate impediments to safe evacuation, but adds new dead-end housing to an already dangerous, high fire hazard area and thus does not ensure effective evacuation.

C. The findings necessary for tentative map and major use permit approval cannot be made.

The County also cannot make the findings required for approval of the tentative map. Under state law, a county “shall deny approval of a tentative map” if it makes any of the following findings” including findings that:

- the proposed map or design is not consistent with the general plan (Gov. Code, § 66474(a)&(b));
- the site is not physically suitable for the proposed density or type of development (*id.* 66474(c)&(d)); or
- the subdivision is likely to cause substantial environmental damage or serious public health problems (*id.* 66474(e)&(f)).

Gov. Code, § 66474. As the 2024 FPPG provides:

Two of the findings that can cause a subdivision to be denied are (1) that the site is physically ill-suited for the proposed type or density of the

development or (2) that the subdivision's design or improvements are likely to cause substantial environmental damage or cause public health or safety problems (GC § 66474). These are important considerations for counties who are reviewing subdivision proposals in areas that are subject to wildland fire hazard.

2024 FPPG at 26.

The Town Council agrees. Here, the Project map and design are inconsistent with land use designations and policies of the General Plan. Moreover, as the Guidelines suggest, the site, given its topography and location in a VHFHSZ, is not suitable for use for higher density residential housing and the Project is likely to cause serious public health problems in the event of a wildfire.

Similarly, to approve a major use permit, the County must find that the project is consistent with the General Plan, compliant with CEQA, and that the site is suitable for the proposed type and intensity of use and not "harmful" to the community. Zoning Code Section 7538. Again, these findings cannot be made here.

VI. Conclusion

The REIR fails to address or correct the CEQA violations identified by the Court of Appeal with respect to the 2018 FEIR's GHG analysis. Moreover, it fails to update its analysis to address important changes in transportation, GHG and wildfire safety policies since 2018, instead relying on outdated information and obsolete policies. Because the REIR violates CEQA, it cannot be certified. Moreover, despite advocacy by the community, the developers have failed to modify the Project to comport with County policies and make it safer for emergency evacuation.

This Project goes against the core planning principles of the General Plan and should be denied.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Winter King



Tori Ballif Gibbons

Exhibits:

- Exhibit 1 Dr. Thomas Cova letter re Wildfire Risk and Emergency Evacuation, dated September 19, 2024
- Exhibit 2 Baseline Environmental Consulting Memorandum re Greenhouse Gas Emissions, dated October 1, 2024
- Exhibit 3 Lokahi Group Memorandum re Infill Analysis, dated October 4, 2024
- Exhibit 4 Letter from Elfin Forest Harmony Grove Town Council to Rancho Santa Fe Fire Protection District, dated July 19, 2024
- Exhibit 5 Comments of Elfin Forest Harmony Grove Town Council re Harmony Grove Village South Final Environmental Impact Report, dated July 24, 2018
- Exhibit 6 Comparative CalFire Maps of Fire Severity for Harmony Grove Area
- Exhibit 7 California Natural Resources Agency, Final Statement of Reasons for Regulatory Action, Amendments to the State CEQA Guidelines, November 2018
- Exhibit 8 California Attorney General's Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act, dated October 2022

EXHIBIT 1

COVA Consulting
1906 Westminister Ave.
Salt Lake City, UT 84108

Prepared by Thomas J. Cova, Ph.D.
Dated: September 19, 2024

Subject: Harmony Grove Village South would compromise wildfire public safety

Please accept these comments on the Harmony Grove Village South community regarding current and proposed new development. I was retained by *Shute, Mihaly & Weinberger LLP* to evaluate the impact of new development on wildfire public safety as it pertains to evacuation egress. The greater Harmony Grove community is slated to grow from 1322 to 2018 housing units (+696) with minor change to its evacuation egress system. As this community is in a CALFIRE very high fire hazard severity zone (VHFHSV), additional development represents a threat to public safety, as extreme wildfires may not allow enough time to safely evacuate community residents if the community is not designed to support rapid evacuation.

I have been a professor at the University of Utah for 25 years conducting research on wildfire evacuation analysis and modeling (See attached CV). My original inspiration for pursuing community evacuation egress as a research topic was the 1991 Oakland Fire, and I have published articles on topics that include community egress (Cova et al. 2013), evacuation traffic simulation, and wildfire public safety. I proposed a set of community egress codes in the *Natural Hazards Review* for improving public safety in fire-prone communities that the National Fire Protection Agency adopted in their document *NFPA 1141: Standard for Fire Protection Infrastructure for Land Development in Wildland, Rural and Suburban Areas* (Cova, 2005).

Background

The Harmony Grove Village South (HGVS) is a 111-acre project site southwest of Escondido in San Diego County about 3 miles west of I-15 and 3 miles south of SR-78. The site is bounded by Escondido Creek to the north, Country Club Drive to the west, and the Del Dios Highland Preserve to the south. The HGVS project consists of 453 residential units and an estimated 1400 residents. The immediately surrounding area of HGVS includes the communities of Harmony Grove, Eden Valley and Elfin Forest which together have 1500 homes and 4050 residents. HGVS will be in a box canyon surrounded by chaparral open space.

Harmony Grove, Eden Valley, and adjacent areas are classified by CALFIRE as a Very High Fire Hazard Severity Zone (VHFHSZ). This area has a storied fire history that includes 12 named fires since 1980 ranging in size from 46 acres (1980 Elfin Forest Fire) to 197,990 acres (2007 Witch

Creek Fire). The 2014 Cocos Fire is the most recent major wildfire which burned 1995 acres and destroyed 36 homes including part of the HGVS site. The problematic Cocos Fire evacuation served to highlight the poor egress in this area due to very limited low-capacity exit roads to move residents to safety. Many residents reported traffic gridlock and frustration in this evacuation and stated that it took an hour or more to get out, and some residents reported being arrested for attempting to rescue family members in the evacuation zone (Figueroa, 2014). Problems in evacuating Harmony Grove were also exacerbated by San Elijo Hills residents who were directed to evacuate using Harmony Grove Road along with Elfin Forest residents. Residents and others also criticized the lack of personnel to manage traffic intersections and provide evacuation route guidance.

Evacuation road network

The initial exit from HGVS will be a single 800-foot access road to the intersection of Country Club Drive and Harmony Grove Road (CCD/HGR). The safest direct route out of the community from this intersection is to travel north on Country Club Drive to SR-78. While there is an additional exit road to the west (toward Elfin Forest), it is not a safe means of egress for Harmony Grove communities given that it is lined with heavy wildland fuels and lacks a viable fire shelter or safety zones as a back-up plan should evacuation become infeasible. Harmony Grove Road to Citracado Parkway represents a third exit to the east but it is also lined with wildland fuels along Escondido Creek and risks becoming impassable during a wildfire.

Travel demand scenarios

The estimated travel demand during a wildfire evacuation depends primarily on the evacuation zone boundary, number of households, and vehicle use. If the evacuation zone was solely the 453 HGVS homes, this would represent about 680 to 1359 vehicles depending on the number of residents at home and their associated vehicle use (i.e. 1.5 to 3.0 vehicles per household). If surrounding communities were also evacuating including Harmony Grove Village (742 homes) and Valiano (243 homes), the number of departing vehicles could range from 2157 to 4314 (1.5 to 3.0 vehicles per household). Including more communities in the zone would add more vehicles including Eden Valley rural (80 homes), Hidden Hills (100 homes), and Harmony Grove rural (100) which would lead to 1718 households and a range of 2577 to 5154 evacuating vehicles (1.5 to 3.0 vehicles per household). The evacuation of this area would also include horse trailers which can prolong household preparation times and cause traffic delays (NFPA, 2024).

Travel demand is the rate that the evacuating vehicles depart from households in vehicles per hour (vph) over time, and this rate depends primarily on the urgency of the scenario (i.e. time available to evacuate) and the response of the public to public warnings and direct perception of flames and smoke (i.e. household decision making and preparation). Given the few available exiting roads in the HGVS area, it is likely that road capacities (vehicles per hour) will have a

greater influence in determining the evacuation time than the household departure rate. In areas with greater exit road capacity than travel demand, household departure rates would have a greater influence on evacuation times (i.e. the sooner households leave the shorter the evacuation time if the roads are not a significant constraint).

Estimated evacuation time

Given that the roads are likely to be the binding constraint in a Harmony Grove evacuation, the exit road capacities can be used to estimate minimum evacuation times. DUDEK (2018) used traffic engineering standards to estimate that Country Club Drive could serve 500 vehicles per hour (8.3 vehicles per minute). This rate assumes continuous (uninterrupted) vehicle flow at key intersections, for example Country Club Drive and Harmony Grove Road, as well as Country Club Drive and Auto Park Way. This is possible if the intersections are manually controlled by public safety personnel to favor residents heading north on Country Club Drive from HGV/HGVS. If the key intersections are not manually controlled and operating under normal control (stop sign or signalization), then their capacity could be much lower under the extreme vehicle loads presented by an evacuation.

Scenario 1

The initial scenario is evacuating the HGVS households. In this case, traversing the 800-foot access road would be the sole means of egress and 'safety' would be defined as crossing Harmony Grove Road and heading north on Country Club Drive. For simplicity, we can assume that warning time and household preparation time are not a major constraint. In other words, households receive a warning and depart at a relatively rapid rate such that the intersection at CCD/NHR is the binding constraint. If the capacity of this intersection is 500 vph then the minimum evacuation time would range from 1.4 hours (1.5 vehicles per household) to 2.7 hours (3 vehicles per household). Note that the evacuation times in this table are minimums (lower bounds) on evacuation time and not actual evacuation times. Actual times could be much longer given other critical evacuation time phases including: 1) the time it takes for officials to decide whom to evacuate (decision time), 2) the time to notify residents (warning time), and 3) the time for households to gather their belongings and decide when to evacuate (preparation time). In other words, realistic evacuation time estimates would be greater than the ones shown in Table 1, possibly twice as long in duration.

veh/home	vehicles	Evacuation time (hours)
1.5	680	1.4
2.0	906	1.8
2.5	1133	2.3
3.0	1359	2.7

Table 1. HGVS minimum evacuation time varying the vehicles per household for 453 households leaving the access road via the intersection of CCD/NHR (500 vph capacity).

Scenario 2

The second scenario to consider is an evacuation a combination of Harmony Grove communities around HGVS including Harmony Grove Village, Valiano, Hidden Hills, Eden Valley, and Harmony Grove rural, which all-together total 1718 households. This example assumes that Country Club Road is the sole exit, and the key intersection at CCD and Auto Park Way has a capacity of 500 vph (DUDEK 2018). Table 2 shows the range of minimum evacuation times varying household vehicle use. Similar to scenario 1, these are minimums that do not take into account other critical time phases. All of the aforementioned communities evacuating north on CCD could take at least 5.2 hours (1.5 vehicles per household) to 10.3 hours (3.0 vehicles per household).

veh/house	vehicles	Evacuation time (hours)
1.5	2577	5.2
2.0	3436	6.9
2.5	4295	8.6
3.0	5154	10.3

Table 2. Harmony Grove minimum evacuation time (hours) varying the vehicles per household (v/h) and whether the key intersection at Country Club Drive and Auto Park Way is controlled or uncontrolled (assuming 500 vph capacity at CCD/NHR).

Available Time for Evacuation

Table 3 provides a range of available (lead) times for ignition distances ranging from 2 to 10 miles from Harmony Grove and fire spread rates ranging from 2.0 to 6.0 mph. With the extended scenarios, the time available could range from 5.0 hours (i.e. an ignition location 10 miles from HG with a 2.0 mph rate-of-spread to as little as 0.3 hours (i.e. an ignition location 2 miles from HG with a 6.0 mph rate-of-spread). Lead times that are less than evacuation time for a given scenario represent a case where public safety would be compromised. Table 3 has many

cases that would not offer enough time for evacuation scenarios shown Table 2 (all of Harmony Grove) and a few of the ones shown in Table 1 (HGVS). For example, the red square where a wildfire ignites 8 miles from Harmony Grove traveling at 2 mph would offer 4.0 hours of time to evacuate, which is not sufficient for any of the scenarios shown in Table 2.

Available Lead Time (hours)		Fire spread rate (mph)		
		2.0	4.0	6.0
Ignition distance from HGVS (miles)	2	1.0	0.5	0.3
	4	2.0	1.0	0.7
	6	3.0	1.5	1.0
	8	4.0	2.0	1.3
	10	5.0	2.5	1.7

Table 3. Available time to evacuate Harmony Grove (hours) based on the ignition distance from Harmony Grove (miles) and the fire-spread rate (miles per hour).

Shelter-in-Place viability

Shelter-in-place (SIP) has received increasing attention in the wildfire context due to the increasing number of scenarios (current and potential) whereby residents may not be able to safely evacuate. SIP usually comes in two forms: 1) remaining in a structure without any travel, and 2) traveling a short distance to a refuge within a wildfire risk area (e.g. structure, bunker, or refuge area). Examples of the first type of SIP include: 1) the 2003 Cedar Fire, where 300 occupants remained in the Barona Casino in lieu of attempting to evacuate and being exposed to the fire on exit roads, and 2) the 2008 Tea Fire in Montecito, where 900 students sheltered in the Westmont College gymnasium rather than attempting to evacuate during the fire. These examples show that when the right conditions are met, SIP with no travel can offer sufficient life safety protection in a wildfire. The 2018 Camp Fire in Paradise provides an example of the second type of SIP. In that instance, residents evacuating in vehicles were redirected to take shelter in a commercial parking lot free of fuel and defended by fire fighters.

Section 3.3.3. of the DUDEK (2018) HGVS evacuation plan mentions SIP as a possible protective action. Several factors undermine the viability of SIP for HGVS. First, the DUDEK plan involves sheltering people in their home if they are not directly impacted by the path of a wildfire to reduce transportation demand. This can lead to late household evacuations if the residents ordered to stay in their homes become at-risk to a wildfire. We have little to no experience with a mass in-home SIP in the U.S. because one has never been ordered (i.e. no jurisdiction has ever ordered residents in a designated area proximal to a wildfire to stay in their homes during a wildfire). DUDEK's suggested approach for HGVS remains untested. Second, the plan mentions HGVS's ignition-resistant construction and fuel-modification zones as features that

could facilitate SIP, but these are defined to protect structures from ignition and not occupants. There are currently no standards or codes in the U.S. regarding the construction of homes to protect occupants remaining inside those homes during a wildfire. Moreover, because the HGVS evacuation plan focuses on HGVS residents, it does not analyze what this means for the existing community surrounding HGVS whose homes are not fire hardened. Third, there is no way for officials to know the mental and physical health conditions of residents in a wildfire area to level sufficient enough to order defined groups to stay in their homes while prioritizing others to evacuate.

In addition to in-home SIP, DUDEK's HGVS fire evacuation plan also proposes the idea of a temporary refuge area (TRA). While this has been done successfully for a small number of evacuees that were unable to clear the risk area (e.g. 2014 Camp Fire), we do not have any examples of a mass assignment of residents to a TRA on the order of thousands. There are many issues that might arise from overestimating the level of protection offered by the TRA as well as its capacity. For example: 1) what level of protection will the TRA offer its occupants from radiant heat, 2) how many residents can the TRA accommodate, 3) how long might it take residents to reach the TRA, 4) is the TRA handicap accessible, and 5) how would the TRA be defended by fire fighters? There are currently no standards or codes in the U.S. for designing a TRA to a level where it would guarantee a level of protection similar to evacuating the risk area.

Potential Additional Evacuation and Wildfire Factors

There are a number of additional proposed projects in the area surrounding HGVS that could complicate evacuations if approved and constructed. One is the Solaris Business Park (500,000 square feet of building space) which will be located at the end of Country Club and Autopark Way. In event of a wildfire, employees from this facility will share the same egress on Country Club Drive as HGVS and the communities surrounding it, potentially increasing the number of vehicles on the road and evacuation times.¹ The second proposed project is the Harmony Grove Village Yoz Community Center, a 1.85-acre site located in Harmony Grove Village at 2625 HG Village Parkway, which could also generate additional evacuation traffic demand on Country Club Drive.² Thirdly, the Seguro Battery Storage Facility—proposed for a site along Country Club Drive which burned in the 2014 Cocos Fire—could potentially create an additional fire hazard and evacuation complication due its storage of lithium batteries.³

¹ See City of Escondido, "Initial Study Part II," PHG20-0035 Solaris Business Park Project, at 5 ("Country Club Way serves as an emergency access for the project onto Country Club Drive.")

² See Item L (Major Use Permit: PDS2024-MUP-24-005), San Dieguito Planning Group Meeting Agenda, May 9, 2024 at 3, available at:

<https://www.sandiegocounty.gov/content/dam/sdc/pds/Groups/sandieguito/2024/SD240509AG.pdf>.

³ See "Seguro energy storage project," available at <https://www.aes.com/california/project/seguro-energy-storage-project> (accessed Oct. 1, 2024).

Fire Protection Plan Guidelines

In March 2024, San Diego County's Fire Protection District and Land Use & Environmental Group, Planning & Development Services adopted revised Fire Protection Plan Guidelines for Staff ("2204 FPPG").⁴ Under the 2024 FPPG, Goal S-4 (Minimize injury, loss of life, and damage to property resulting from structural or wildland fire hazards), Section S-4.5 (Access Road) requires a development to, "... provide additional access roads where feasible to provide for safe access of emergency equipment and civilian evacuation concurrently."⁵ Given that HGVS will house over a thousand residents in 453 households, this raises the question of whether one access road will meet this requirement, even if widened to three lanes in some places. If firefighter ingress must be maintained, then only one to two lanes of egress to the intersection of the access road with Harmony Grove Road will be available to the residents of HGVS. This highly limited single road egress would not meet this requirement for "additional access roads" to allow concurrent civilian evacuation and emergency equipment use.

Summary

Harmony Grove Village South would be difficult to evacuate in an urgent wildfire (i.e. one that offers less than one hour to clear the community). A scenario that offers little time is entirely possible because HGVS would be situated in a very high fire hazard zone that is surrounded on three sides by hills covered in dense fuels (chaparral). This is due to the fact that the estimated 900 vehicles (454 homes) departing HGVS would have one safe exit north to the intersection of Country Club Drive and Harmony Grove Road. The time to evacuate HGVS alone ranges from 1.4-2.7 hours, depending on household vehicle use, so any scenario in Table 3 that offers less than this time would compromise the safety of the HGVS residents and the residents already living in the surrounding communities.

In evacuation scenarios that also include neighboring communities, HGVS would face additional background traffic from New Harmony Village, Valiano, Elfin Forest, and others. Conversely, if HGVS was ordered to evacuate first, then traffic departing from HGVS would also represent a challenge to neighboring communities, as the HGVS traffic could congest the primary exit of Country Club Drive. Given the very-high wildfire hazard in the HGVS area, there is not a sufficient number of safe exit roads with sufficient capacity and that lead in multiple directions to add 453 additional housing units without compromising the safety of prospective HGVS residents as well as the residents of existing communities in an urgent wildfire scenario that offers under two hours of lead time.

⁴ Available at

<https://www.sandiegocounty.gov/content/dam/sdc/pds/docs/2024%20County%20of%20San%20Diego%20Fire%20Protection%20Plan%20Guidelines.pdf>.

⁵ 2024 FPPG at 18.

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ATTACHMENT 1

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Education

1999 Ph.D., Geography, University of California Santa Barbara.
1995 M.A., Geography, University of California Santa Barbara.
1986 B.S., Computer & Information Science, University of Oregon.

Research and Teaching Interests

Environmental Hazards, Emergency Management, Geographic Information Science, Transportation, Warning & Evacuation.

Professional Experience

2012 – Professor, Department of Geography, University of Utah.
2005 – 2012 Associate Professor, Department of Geography, U. of Utah.
1999 – 2005 Assistant Professor, Department of Geography, U. of Utah.
1993 – 1996 Research Assistant, National Center for Geographic Information and Analysis (NCGIA), UC Santa Barbara.
1992 – 1997 Teaching Assistant, Department of Geography, UCSB.
1987 – 1992 Systems Analyst, Matthew Bender & Co., Oakland, California.

Other Professional Activities

2016 – 2023 Director, Environmental Track, *Professional Master of Science & Technology*, The Graduate School, University of Utah.
2003 – 2018 Director, *Center for Natural & Technological Hazards*, College of Social & Behavioral Science, University of Utah.
2014 – 2018 Director, *Certificate in Environmental Hazards & Emergency Management*, Department of Geography, University of Utah.
2001 – 2016 Director, *Certificate in Geographic Information Science*, Department of Geography, University of Utah.
2011 – 2013 Chair, Hazards, Disasters & Risk Specialty Group, Association of American Geographers, Washington, D.C.
2007 – 2008 Program Chair, 5th International Conference in Geographic Information Science (GIScience 2008), Park City, Utah.
2005 – 2008 Chair (and Vice Chair, Past Chair), GIS Specialty Group, Association of American Geographers, Washington, D.C.
2005 – 2008 Chair, Research Projects Committee, University Consortium for Geographic Information Science (UCGIS).
2004 – 2006 Secretary/Treasurer, GIS Specialty Group, Association of American Geographers, Washington, D.C.

- 2001 – 2003 Academic Councilor, GIS Specialty Group, Association of American Geographers, Washington, D.C.
- 1999 – 2003 Associate Director for Research, Center for Natural & Technological Hazards, Department of Geography, U of Utah.

Editorial Board Memberships

- 2023 – Associate Editor, *Natural Hazards Review*
- 2020 – *International Journal of Geographical Information Science*
- 2018 – *Journal of Applied Geography*
- 2011 – 2014 *Journal of Geography & Natural Disasters.*
- 2011 – 2014 *Journal of Spatial Science*
- 2009 – 2011 *Professional Geographer*
- 2001 – 2004 *Computers, Environment & Urban Systems*

Professional Honors and Awards

- 2016 Excellence in Mentoring Award, College of Social & Behavioral Science (CSBS), University of Utah.
- 2014 – 2016 Advisor, *Enabling the Next Generation of Hazards Researchers*, D. Thomas, S. Brody, & B. Gerber (PIs), National Science Foundation, CMMI-IMEE.
- 2008 – 2010 Mentor, *Enabling the Next Generation of Hazards Researchers*, Tom Birkland (PI), National Science Foundation, CMMI-IMEE.
- 2005 John I. Davidson Award for Practical Papers, American Society for Photogrammetry & Remote Sensing – with P. Sutton and D. Theobald.
- 2005 Leica Geosystems Award for Best Scientific Paper in Remote Sensing, American Society for Photogrammetry & Remote Sensing (ASPRS) – with P. Sutton and D. Theobald.
- 2003 – 2005 Fellow, *Enabling the Next Generation of Hazards Researchers*, Raymond Burby (PI), National Science Foundation, CMMI-IMEE.
- 2003 University Consortium for Geographic Information Science (UCGIS) Young Scholar's Award.
- 1996 – 1999 Dwight D. Eisenhower Doctoral Fellowship, National Highway Institute, Federal Highway Admin., Dept. of Transportation.
- 1995 International Geographic Information Foundation (IGIF) Award for Best Student Paper, GIS/LIS '95, Nashville, TN.
- 1995 Outstanding Student in Transportation, UC Santa Barbara, Western Coal Transportation Association.

RESEARCH AND SCHOLARSHIP

Edited volumes and special issues

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- 2017 Cova, T.J., Data model: o-fields and f-objects. The International Encyclopedia of Geography, 1-5.
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- 2019 Cova, T.J., Geosimulating hazard warning triggers: geometry, dynamics, and timing. *GeoComputation '19*, September 19, Queenstown, New Zealand.
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- 2013 Cova, T.J., Dennison, P.E., and Drews, F.A. Protective-action Triggers: Modeling and Analysis. *Natural Hazards Workshop*, University of Colorado, Boulder, July (poster).
- 2012 Cova, T.J., Dennison, P.E., and Drews, F.A. Protective-action Triggers. *Natural Hazards Workshop*, University of Colorado, Boulder, July (poster).
- 2012 Cova, T.J., Dennison, P.E., and Drews, F.A. Protective-action Triggers. National Science Foundation-CMMI Innovation Conference, Boston, July (poster).
- 2009 Siebeneck, L.K. and Cova, T.J. Current Research at the Center for Natural and Technological Hazards. *Natural Hazards Workshop*, U. of Colorado, Boulder, July (poster).
- 2008 Cova, T.J. et al., Protective actions in wildfire: the incident commander perspective. *Pacific Coast Fire Conference*, San Diego, November (poster).
- 2005 Yuan, M., Goodchild, M.F., Cova, T.J., Towards a general theory of geographic representation in GIS (poster). *Conference on Spatial Information Theory (COSIT) 2005*, Ellicottville, New York, September (poster).
- 2005 Kim, T.H., and Cova, T.J., Tweening Grammars: Deformation Rules for Representing Change between Discrete Geographic Entities. *Geocomputation 2005*, Ann Arbor, MI, August.
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- 2001 Hepner, G.F., Cova, T.J., Forster, R.R., and Miller, H.J., Use of remote sensing and geospatial analysis for transportation hazard assessment: an integrated university, government and private sector consortium, *IEEE/ISPRS Joint Workshop on Remote Sensing and Data Fusion over Urban Areas Proceedings*, IEEE-01EX482, Rome, Italy, pp.241-244.
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- 1997 Cova, T.J., and Church, R.L., An algorithm for identifying nodal clusters in a transportation network. *University Consortium for Geographic Information Science (UCGIS) Summer Retreat*, Bar Harbor, Maine, June 15-21.

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- 2000 Cova, T.J. (2000) Wildfire evacuation. *New York Times letter to the Editor*, June 6.
- 1996 Church, R., Cova, T., Gerges, R., Goodchild, M., Conference on object orientation and navigable databases: report of the meeting. *NCGIA Technical Report 96-9*.
- 1994 Church, R., Coughlan, D., Cova, T., Goodchild, M., Gottsegen, J., Lemberg, D., Gerges, R., Caltrans Agreement 65T155, Final Report, *NCGIA Technical Report 94-6*.

Invited Lectures, Presentations and Participation

- 2024 "On timing wildfire evacuations." Risk Communication Workshop. National Academy of Sciences. Virtual. Feb. 5.
- 2024 "Wildfire public safety under climate change: preparing for the unprecedented." GROW Colloquium. Department of Geography. University of Utah.

- 2023 "Public safety in the wildland-urban interface." Earth Lab, University of Colorado, Jan. 31 (virtual).
- 2020 "Evacuation planning for dire scenarios." Preparing for Disaster: Workshop on Advancing WUI Resilience. National Fire Protection Agency (NFPA), San Francisco, CA
- 2019 "Public safety in the wildland-urban interface." Department of Geography, University of Alabama, Tuscaloosa, November.
- 2019 "Public safety in the wildland-urban interface." Department of Geography, Texas A&M (TAMU), College Station, February.
- 2018 "ESRI Science Symposium." Panelist, ESRI Conference, San Diego, July.
- 2018 "Public safety in the wildland-urban interface." Living with Fire in California's Coast Ranges, Sonoma, May.
- 2017 "Improving situational awareness in wildfire evacuations with volunteered geographic information." NSF IBSS/IMEE Summer Workshop, San Diego, August.
- 2014 "Modeling adaptive warnings with geographic trigger points." Department of Geography, SDSU, San Diego, CA, April 18.
- 2013 "Wildfires and geo-targeted warnings." Geo-targeted Alerts and Warnings Workshop. *National Academy of Sciences*, Washington DC, February 21-22.
- 2012 "Evacuation planning in the wildland-urban interface." California Joint Fire Science Program, Webinar Speakers Series, September.
- 2010 "Evacuating threatened populations in disasters: space, time & information." University of Minnesota, Spatial Speakers Series (Geography/CS/CE), April.
- 2009 "The art and science of evacuation modeling." Utah Governor's Conf. in Emergency Management, Provo, May.
- 2008 "GIScience and public safety." Brigham Young University, November.
- 2007 "Fire, climate and insurance." Panel Discussion. Leonardo Museum, Salt Lake City, November.
- 2007 "GIScience and public safety." University of Northern Iowa, April.
- 2006 "Evacuation and/or Shelter in Place." Panel Discussion, Firewise Conference: Backyards & Beyond, Denver, CO, Nov.
- 2006 "Evacuation modeling and planning." Colorado Springs Fire Department, Colorado Springs, CO, October.
- 2006 "Evacuation modeling and planning." Sante Fe Complexity Institute, Sante Fe, NM, August.
- 2006 "Evacuation modeling and planning." Colorado Wildfire Conference. Vail, CO, April, \$1000.
- 2006 "Dynamic GIS: in search of the killer app." Center for Geocomputation, National U. of Ireland, Maynooth, April.
- 2006 "Setting wildfire evacuation trigger points with GIS." University Consortium for Geographic Information Science, Winter meeting, Washington, DC.

- 2005 "Setting wildfire evacuation trigger points with GIS." Pennsylvania State University, State College, PA, November.
- 2004 "The role of scale in ecological modeling," NSF PI meeting for Ecology of Infectious Diseases, Washington D.C., September.
- 2004 "The 2003 Southern California wildfires: Evacuate and/or or shelter-in-place," Natural Hazards Workshop, Boulder, CO.
- 2004 "When all hell breaks loose: new methods for wildfire evacuation planning," colloquium, Department of Geography, University of Denver, February.
- 2004 "When all hell breaks loose: new methods for wildfire evacuation planning," Colorado Governor's Conference and Colorado Emergency Management Association (CEMA) Conference, Boulder, CO, February.
- 2004 "When all hell breaks loose: new methods for wildfire evacuation planning," colloquium, Department of Geography, University of California Los Angeles, February.
- 2003 "When all hell breaks loose: new methods for wildfire evacuation planning," colloquium, Natural Resources Ecology Lab (NREL), Colorado State University, April.
- 2003 "When all hell breaks loose: new methods for wildfire evacuation planning," Departmental colloquium, Department of Geography, University of Arizona, January.
- 2002 "When all hell breaks loose: new methods for wildfire evacuation planning," Departmental colloquium, Department of Geography, Western Michigan University, November.
- 2001 "Regional evacuation analysis in fire-prone areas with limited egress," Departmental colloquium, Department of Geography, University of Denver, May.
- 2000 "Integrating Site Search Models and GIS," Colloquium, Department of Geography, Arizona State University, Feb.
- 1999 "Site Search Problems and GIS," Colloquium, Department of Geography, University of Utah.
- 1996 "A spatial search for neighborhoods that may be difficult to evacuate," Colloquium, Department of Geography, UC Santa Barbara.
- 1995 "A spatial search for neighborhoods that may be difficult to evacuate," Regional Research Lab, Bhopal, India.
- 1995 "A spatial search for neighborhoods that may be difficult to evacuate," Indian Institute of Technology, Bombay. India.

Papers Presented at Professional Conferences

- 2021 Cova, T.J., Planning for dire wildfire scenarios. Association of American Geographers Annual Meeting, April (virtual).
- 2020 Cova, T.J, Public safety in the wildland-urban interface. Association of American Geographers Annual Meeting, Denver, CO, April.

- 2018 Cova, T.J., GIScience & Emergency Management: where do we go from here? Association of American Geographers Annual Meeting, New Orleans, LA, April.
- 2017 Cova, T.J., Simulating warning triggers. Association of American Geographers Annual Meeting, Boston, MA, CA, April.
- 2016 Cova, T.J., Spatio-temporal representation in modeling evacuation warning triggers. Association of American Geographers Annual Meeting, San Francisco, CA, March.
- 2015 Cova, T.J. and Jankowski, P., Spatial uncertainty in object-fields: the case of site suitability. Association of American Geographers Annual Meeting, Chicago, IL, April.
- 2014 Cova, T.J. and Jankowski, P., Spatial uncertainty in object-fields: the case of site suitability. International Conference on Geographic Information Science (GIScience '14), Vienna, Austria, September.
- 2013 Cova, T.J., Dennison, P.E. and Drews, F.A., Protective-action triggers: modeling and analysis. *Association of American Geographers Annual Meeting*, Los Angeles, CA, April.
- 2012 Cova, T.J., Dennison, P.E. and Drews, F.A., Protective-action triggers. Poster presented at the Natural Hazards Workshop, University of Colorado, Boulder, July.
- 2012 Cova, T.J., Dennison, P.E. and Drews, F.A., Protective-action triggers. Poster presented at the NSF CMMI Innovation Conference, Boston, July.
- 2012 Cova, T.J., Dennison, P.E. and Drews, F.A., Protective-action triggers, *Association of American Geographers Annual Meeting*, New York, NY, February.
- 2011 Cova, T.J., Modeling stay-or-go decisions in wildfires, *Association of American Geographers Annual Meeting*, Seattle, WA, April.
- 2010 Cova, T.J., Theobald, D.M. and Norman, III, J., Mapping wildfire evacuation vulnerability in the West, *Association of American Geographers Annual Meeting*, Wash. D.C., April.
- 2010 Cova, T.J., and Van Drimmelen, M.N., Family gathering in evacuations: the 2007 Angora Wildfire as a case study. *National Evacuation Conference*, New Orleans, February.
- 2010 Siebeneck, L.K., Cova, T.J., Drews, F.A., and Musters, A. Evacuation and shelter-in-place in wildfires: The incident commander perspective. *Great Basin Incident Command Team Meetings*, Reno, April.
- 2009 Cova, T.J. et al., Protective action decision making in wildfires: the incident commander perspective. *Association of American Geographers Annual Meeting*, Las Vegas, March.
- 2009 Siebeneck, L.K. and Cova, T.J. Using GIS to explore evacuee behavior before, during and after the 2008 Cedar Rapids Flood. *Association of American Geographers Annual Meeting*, Las Vegas, March.

- 2009 Lindell, M.K., Prater, C.S., Siebeneck, L.K. and Cova, T.J. Hurricane Ike Reentry. *National Hurricane Conference*, Austin, March.
- 2008 Cova, T.J., Simulating evacuation shadows, *Association of American Geographers Annual Meeting*, Boston, April.
- 2007 Cova, T.J., An agent-based approach to modeling warning diffusion in emergencies, *Association of American Geographers Annual Meeting*, San Francisco, March.
- 2006 Cova, T.J., New GIS-based measures of wildfire evacuation vulnerability and associated algorithms. *Association of American Geographers Annual Meeting*, Denver, March.
- 2005 Cova, T.J., Dennison, P.E., Kim, T.H., and Moritz, M.A., Setting wildfire evacuation trigger-points using fire spread modeling and GIS. *Association of American Geographers Annual Meeting*, Denver, March.
- 2004 Cova, T.J., Sutton, P.C., and Theobald, D.M. Light my fire proneness: residential change detection in the urban-wildland interface with nighttime satellite imagery, *Association of American Geographers Annual Meeting*, Philadelphia, March.
- 2004 Cova, T.J. and Johnson, J.P., A network flow model for lane-based evacuation routing. *Transportation Research Board (TRB) Annual Conference*, Washington, D.C., January.
- 2003 Cova, T.J. Lane-based evacuation routing, *Association of American Geographers Annual Meeting*, New Orleans, March.
- 2002 Cova, T.J., Extending geographic representation to include fields of spatial objects, *GIScience 2002*, Boulder, September.
- 2002 Husdal, J. and Cova, T.J., A spatial framework for modeling hazards to transportation systems, *Association of American Geographers Annual Meeting*, Los Angeles, March.
- 2001 Cova, T.J. and Johnson, J.P., Evacuation analysis and planning tools inspired by the East Bay Hills Fire, *California's 2001 Wildfire Conference: 10 years after the 1991 East Bay Hills Fire*, Oakland, October.
- 2001 Cova, T.J., Husdal, J., Miller, H.J., A spatial framework for modeling hazards to transportation networks, *Geographic Information Systems for Transportation Conference (GIS-T 2001)*, Washington DC, April.
- 2001 Cova, T.J., Miller, H.J., Husdal, J., A spatial framework for modeling hazards to transportation systems, *Association of American Geographers Annual Meeting*, New York, New York, February.
- 2000 Cova, T.J., Church, R.L., Goodchild, M.F., Extending geographic representation to include fields of spatial objects, *GIScience 2000*, Savannah, Georgia, November.
- 2000 Cova, T.J. Microscopic simulation in regional evacuation: an experimental perspective, *Association of American*

- Geographers Annual Meeting*, Pittsburgh, Pennsylvania, March.
- 1999 Cova, T.J., and Church, R.L., "Exploratory spatial optimization and site search: a neighborhood operator approach," *Geocomputation '99*, Mary Washington College, Fredricksburg, Virginia.
- 1999 Cova, T.J., and Church, R.L., "Integrating models for optimal site selection with GIS: problems and prospects," *Association of American Geographer Annual Meeting*, Honolulu, Hawaii, March 29.
- 1998 Cova, T.J., and Church, R.L., "A spatial analytic approach to modeling neighborhood evacuation egress," *Association of American Geographers Annual Meeting*, Boston, Massachusetts.
- 1997 Church, R.L., and Cova, T.J., "Location search strategies and GIS: a case example applied to identifying difficult to evacuate neighborhoods," *Regional Science Association Annual Meeting*, November, Buffalo.
- 1997 Cova, T.J. and Church, R.L., "An algorithm for identifying nodal clusters in a transportation network," *University Consortium for Geographic Information Science (UCGIS) Summer Retreat*, Bar Harbor, June.
- 1996 Cova, T.J., Church, R.L., "A spatial search for difficult neighborhoods to evacuate using GIS," *GIS and Hazards Session, Association of American Geographers Annual Meeting*, Charlotte, April.
- 1995 Cova, T.J., Church, R.L., "A spatial search for neighborhoods that may be difficult to evacuate," *GIS/LIS '95*, Nashville, November.
- 1995 Goodchild, M.F., Cova, T.J. and Ehlschlaeger, C., "Mean geographic objects: extending the concept of central tendency to complex spatial objects in GIS," *GIS/LIS '95*, Nashville, November.
- 1994 Cova, T.J. and Goodchild, M.F., "Spatially distributed navigable databases for intelligent vehicle highway systems," *GIS/LIS '94*, Phoenix, November.

Grants

Externally funded

- 2024 - Cova, T.J. (Collaborative research) *Household Response to Wildfire: Integrating Behavioral Science and Evacuation Modeling to Improve Community Wildfire Resilience*. NSF, Division of Civil, Mechanical & Manufacturing Innovation (CMMI): Humans, Disasters & the Built Environment (HDBE), \$20,260.

2021 - 2023	Zhao, X. and Cova, T.J. (PI). <i>Determining Optimal Protective Actions in Earthquakes with Data Science Techniques</i> . National Science Foundation and USGS. \$146,137.
2021 - 2023	Collins, T.W., Grineski, S.E., Cova, T.J. (PI), REU Supplemental Funds (Grant: Enabling the Next Generation of Hazards Researchers). NSF, Division of Civil, Mechanical & Manufacturing Innovation (CMMI): Humans, Disasters & the Built Environment (HDBE), \$16,000.
2019 –2023	Cova, T.J. (PI), Collins, T.W., Grineski, S.E., Norton, T., <i>Enabling the Next Generation of Hazards Researchers</i> . National Science Foundation. Division of Civil, Mechanical & Manufacturing Innovation (CMMI): Humans, Disasters & the Built Environment (HDBE), \$480,634.
2018 –2023	Smith, K. (PI), Cova, T.J., Waitzman, N., Perlich, P., Kowaleski-Jones, L. Research Data Center: Wasatch Front Research Data Center. National Science Foundation, Division of Social Economic Sciences, \$298,625.
2017 – 2019	Shoaf, K. (PI) and Cova, T.J. <i>RAPID: Evacuation Decision-making process of Hospital Administrators in Hurricane Harvey</i> . National Science Foundation, Civil Mechanical and Manufacturing Innovation – Infrastructure Management and Extreme Events, \$49,301.
2011 – 2015	Cova, T.J. (PI), Dennison, P.E. and Drews, F.A., <i>Protective action triggers</i> . National Science Foundation, Civil Mechanical and Manufacturing Innovation – Infrastructure Management and Extreme Events, \$419,784.
2012 – 2014	Cova, T.J. (PI), <i>State Hazard Mitigation Mapping II</i> . Utah Division of Emergency Management, \$51,608.
2011 – 2012	Cova, T.J. (PI), <i>State Hazard Mitigation Mapping</i> . Utah Division of Emergency Management, \$51,608.
2007 – 2010	Cova, T.J. (PI) and Drews, F.A. <i>Protective-action decision making in wildfires</i> . National Science Foundation, Civil Mechanical and Manufacturing Innovation – Infrastructure Management and Extreme Events, \$288,438.
2004– 2006	Yuan, M. (PI), Goodchild, M.F., and Cova, T.J. <i>Integration of geographic complexity and dynamics into geographic information systems</i> , National Science Foundation, Social and Behavioral Science—Geography and Spatial Sci., \$250,000.
2003– 2004	Cova, T.J. (PI) <i>Mapping the 2003 Southern California Wildfire Evacuations</i> , National Science Foundation, Small Grants for Exploratory Research (SGER), CMMI-IMEE, \$14,950.
2003 –2008	Dearing, M.D. (PI), Adler, F.R., Cova, T.J., and St. Joer, S. <i>The effect of anthropogenic disturbance on the dynamics of Sin Nombre</i> , National Science Foundation and NIH, Ecology of Infectious Diseases, \$1,933,943.
2000–2004	Hepner, G.F. (PI), Miller, H.J., Forster, R.R., and Cova, T.J. <i>National Consortium for Remote Sensing in Transportation:</i>

- Hazards (NCRST-H)*, U.S. Department of Transportation, \$437,659.
- 2000–2001 Cova, T.J. (PI) *Modeling human vulnerability to environmental hazards*, Salt Lake City and Federal Emergency Management Agency (FEMA), \$20,000.

Internally funded

- 2004 Cova, T.J. (PI) and Sobek, A. *DIGIT Lab GPS Support*, U. of Utah Technology Instrumentation Grant, \$15,000.
- 2003 Cova, T.J. (PI) *New methods for wildfire evacuation analysis*, Proposal Initiative Grant, College of Social and Behavioral Science, University of Utah, \$4000.
- 1999 Cova, T.J. (PI) *Microscopic traffic simulation of regional evacuations: computational experiments in a controlled environment*, Faculty Research Grant (FRG), University Research Committee, University of Utah, \$5980.
- 1999 Cova, T.J. (PI) *Regional evacuation analysis in fire prone areas with limited egress*, Proposal Initiative Grant, College of Social and, Behavioral Science, University of Utah, \$4000.

Media Outreach

- 2023 Simon, M. "Cities Aren't Supposed to Burn Like This Anymore—Especially Lahaina." *WIRED Magazine*. Aug 15.
- 2023 Nyce, C.M. "Maui's Fire Risk Was Glowing Red." *The Atlantic*, Aug 19.
- 2023 Cagle, S. "The quest to build wildfire-resistant homes." *Technology Review*. April 18.
- 2023 Hirji, Z. "Protective steps could help reduce wildfires." *Star Advertiser in Hawaii*, Sept 2.
- 2022 Chen, I. "The terrifying choices created by wildfires." *The New Yorker*. September 6.
- 2022 Nyce, C.M. "The world needs to start planning for the fire age." *The Atlantic*. July 28.
- 2022 Staff. "Human remains found near suspected origin of Colorado Wildfire." *The Guardian*, Jan. 5th.
- 2022 Prentzel, O. and Najmabadi, S. "After-action report finds numerous shortcomings in Marshall Fire emergency communications." *The Colorado Sun*, June 21.
- 2022 Najmabadi, S. and Prentzel, O. "Emergency alerts were a problem long before the Marshall Fire, reports show." *The Colorado Sun*. Feb. 21.
- 2022 Miller, J. "In a major wildfire: how would Park City evacuate?" *Salt Lake Tribune*, July 28.
- 2022 Anderson, S.S. and Geiger, G. "Planned Greek refugee camp is in high-risk fire zone next to landfill." *OpenDemocracy.net*, Feb. 15.

- 2022 Peipert, T. "Remains found, yet most people escaped Colorado fire." *ABC news*, Jan. 5.
- 2021 Beck, M. "Community wildfire plans don't reflect stronger, faster wildfires." May 26.
- 2021 Najmabadi, S. "4000 cars, one exit: residents in growing neighborhoods worry their new neighbors could crowd wildfire escape routes." *The Colorado Sun*, Nov. 30.
- 2021 Glen, S. "Think outside the box: U of U researchers look at wildfire evacuations." May 25.
- 2021 Williams, C. "Is Utah prepared for a major wildfire?" *KSL news*, June 5.
- 2021 Shinn, M. "Long wildfire evacuation delays for parts of Colorado Springs shown in models." *Colorado Springs Gazette*, Nov 22.
- 2020 Harris, J. "Dangerous conditions, stretched resources worry firefighters in the West." Sep 11.
- 2020 Carlson, C. "COVID-19: With wildfires, California evacuation shelters may look more like a campground." *Ventura County Star*, May 14.
- 2019 Loenard, D. "As Australian bushfires rage: country offers lessons for the wildfire prone western U.S." *Washington Post*, Nov 23.
- 2019 Marshall, A. "The Delicate Art—and Evolving Science—of Wildfire Evacuations." *WIRED magazine*, Oct. 31.
- 2019 Cagle, S. "California's fire season has been bad. But it could have been much worse." *The Guardian*, Nov. 1.
- 2019 Mooallem, J. "We have fire everywhere." *NY Times*, July 31.
- 2019 Krieger, L., "Camp Fire: when survival means shelter." *San Jose Mercury News*, Feb. 3.
- 2018 Romero, S., Arango, T., and Fuller, T. "A frantic call, a neighbor's knock, but few official alerts as wildfire closed in." *New York Times*, Nov. 21.
- 2018 Serna, J., St. John, P., Lin, R-G. "Disaster after disaster, California keeps falling short on evacuating people from harm's way." *Los Angeles Times*, Nov. 28.
- 2018 Simon, M. "How California needs to adapt to survive future fires." *Wired Magazine*, Nov. 15.
- 2018 O'Neill, S. "Year-round wildfire season means always living evacuation ready." *Morning Addition, National Public Radio*, Sep. 25.
- 2017 Mortensen, M. "System used for Amber Alerts can also warn of other emergencies." *Utah Public Radio*, Dec. 19.
- 2013 Ryman, A. and Hotstege, S. "Yarnell evacuation flawed and chaotic, experts say." *Arizona Republic and USA Today*, Nov.
- 2013 Bryson, D., and Campoy, A. "Quick fire response pays off: Colorado credits early alerts with limiting deaths from state's worst-ever blaze." *The Wall Street Journal*, June 17.

2013 Beri, A. "Due to the sequester: people are going to be unsafe, homes are going to burn." *Tampa Bay Times*, Feb.

2012 Zaffos, J. "What the High Park Fire can teach us about protecting homes." *High Country News*, July.

2012 Meyer, J.P. and Olinger, D., "Tapes show Waldo Canyon fire evacuations delayed two hours." *The Denver Post*. July.

2011 Siegel L, and Rogers, N. "Monitoring killer mice from space." *USA Today*, *SLTribune*, *Fox 13 News*, *KCPW*, Feb. 15.

2010 Cowan, J., "Esplin defends stay or go policy." *Australian Broadcast Corporation (ABC)*, April 30.

2010 Bachelard, M., "Should the fire-threatened stay or go? That is still the question." *The Age*, Australia, May 2.

2008 Boxall, B., "A Santa Barbara area canyon's residents are among many Californian's living in harm's way in fire-prone areas." *Los Angeles Times*, July 31.

2007 Welch, W.M. et al., "Staggering numbers flee among fear and uncertainty." *USA Today*, Oct. 24.

2007 Krasny, M., "Angora Wildfire Panel Discussion." *KQED Radio*, San Francisco, June 27.

2004 Wimmer, N., "Growing number of communities pose fire hazard." *KSL Channel 5*, Salt Lake City, July 22.

2004 Disaster News Network, "The face of evacuation procedures might be changing as a result of lessons learned from last year's fierce wildfires in California."

2004 Perkins, S., "Night space images show development." *Science News*, Week of April 3rd, 165 (14): 222.

2003 Keahey, J., "Canyon fire trap feared." *SL Tribune*, June.

TEACHING AND MENTORING

Undergraduate Courses

Geoprogramming (~30 students)
 Introduction to Geographic Information Systems (~60 students).
 Human Geography (~40 students).
 Geography of Disasters and Emergency Management (~20 students).
 Methods in GIS (~40 students).
 Business & Disaster Management (~70 students)

Graduate Courses

GIS & Python (~20 students)
 Spatial Databases (~30 students)
 Seminars: Hazards Geography, Transportation, Vulnerability, GIScience.

Graduate Student Advising

Chaired Ph.D. Committees

2021-	Mojtoba, A.R.	Hazard resilience.
2020-	Bhattari, A.	Disaster recovery for the Nepal earthquake.
2023	Wood, M.	Cascading/compound hazards and disasters.
2013	Coleman, A.	Geographic data fusion for disaster management (defended).
2016	Li, D.	Modeling wildfire evacuation triggers as a coupled natural-human system (Asst. Professor South Dakota State University)
2010	Siebeneck, L.	Examining the geographic dimensions of risk perception, communication and response during the evacuation and return-entry process. (Assoc. Professor, U. of North Texas)
2010	Cao, L.	Anthropogenic habitat disturbance and the dynamics of hantavirus using remote sensing, GIS, and a spatially explicit agent-based model. (Postdoc, Kelly Lab, UC Berkeley)

Chaired M.S. committees

2023	Roberts, S.	Wildfire evacuation routing.
2021	Mojtoba, A.	Flood resilience in Dhaka, Bangladesh
2020	Huang, Z.	Autonomous vehicles in hurricane evacuation.
2019	Kar, A.	Optimal vehicle routing in disasters
2017	Yi, Y.	A web-GIS application for house loss notification in wildfires
2017	Latham, P.	Evaluating the effects of snowstorm frequency and depth on skier behavior in Big Cottonwood Canyon, Utah
2016	Bishop, S.	Spatial access and local demand for emergency medical services in Utah
2015	Hile, R.	Exploratory testing of an artificial network classification for enhancement of a social vulnerability index
2015	Unger, C.	Creating spatial data infrastructure to facilitate the collection and dissemination of geospatial data to aid in disaster management
2014	Klein, K.	Tracking a wildfire in areas of high relief using volunteered geographic information: a viewshed application

2012	Amussen, F.	Greek island social networks and the maritime shipping dominance they created (technical report)
2012	Martineau, E.	Earthquake risk perception in Salt Lake City, Utah
2010	Smith, K.	Developing emergency preparedness indices for local government
2010	VanDrimmelen, M.	Family gathering in emergencies: the 2007 Angora Wildfire as a case study
2007	Pultar, E.	GISED: a dynamic GIS based on space-time points
2007	Siebeneck, L.	An assessment of the return-entry process for Hurricane Rita, 2005
2007	Johnson, J.	Microsimulation of neighborhood-scale evacuations
2004	Chang, W.	An activity-based approach to modeling wildfire evacuations

Membership on Ph.D Committees

2024	Choi, M.	Agent-based modeling of crowds.
2023	Xiong, N.	Inequality in China.
2017	Campbell, M.	Wildland firefighter travel times
2016	Zhang, L.	Economic geography of China
2015	Huang, H.	Spatial analysis and economic geography
2014	Lao, H.	Spatial analysis, GIS, and economic geography
2013	Burgess, A.	Hydrologic implications of dust in snow in the Upper Colorado River Basin
2012	Davis, J.	
2012	Li, Y.	
2011	Hadley, H.	Transit sources of salinity loading in the San Rafael River, Upper Colorado River Basin, Utah
2009	Medina, R.	Use of complexity theory to understand the geographical dynamics of terrorist networks
2008	McNeally, P.	Holistic geographical visualization of spatial data with applications in avalanche forecasting
2008	Sobek, A.	Generating synthetic space-time paths using a cloning algorithm on activity behavior data
2007	Clay, C.	Biology
2006	Backus, V.	Assessing connectivity among grizzly bear populations near the U.S.-Canada border
2006	Atwood, G.	Shoreline superelevation: evidence of coastal processes of Great Salt Lake, Utah
2006	White, D.	Chronic technological hazard: the case of agricultural pesticides in the Imperial Valley, California

2005	Ahmed, N.	Time-space transformations of geographic space to explore, analyze and communicate transportation systems
2004	Shoukrey, N.	Using remote sensing and GIS for monitoring settlement growth expansion in the eastern part of the Nile Delta Governorates in Egypt (1975-1998)
2004	Hernandez, M.	A Procedural Model for Developing a GIS-Based Multiple Natural Hazard Assessment: Case Study-Southern Davis County, Utah
2003	Wu, Y-H.	Dynamic models of space-time accessibility
2003	Hung, M.	Using the V-I-S model to analyze urban environments from TM imagery
2002	Baumgrass, L.	Initiation of snowmelt on the North Slope of Alaska as observed with spaceborne passive microwave data

Membership on M.S. Committees

2015	Farnham, D.	Food security and drought in Ghana
2015	Fu, L.	Analyzing route choice of bicyclists in Salt Lake City
2014	Li, X.	Spatial representation in the social interaction potential metric: an analysis of scale and parameter sensitivity
2013	Johnson, D.	Parks, Recreation & Tourism
2012	Fryer, G.	Wildland firefighter entrapment avoidance: developing evacuation trigger points utilizing the WUIVAC fire spread model.
2011	Groeneveld, J.	An agent-based model of bicyclists accessing light-rail in Salt Lake City
2011	Matheson, D.S.	Evaluating the effects of spatial resolution on hyperspectral fire detection and temperature retrieval
2010	Larsen, J.	Analysis of wildfire evacuation trigger-buffer modeling from the 2003 Cedar Fire, California.
2010	Smith, G.	Development of a flash flood potential index using physiographic data sets within a geographic information system
2010	Song, Y.	Visual exploration of a large traffic database using traffic cubes
2010	Evans, J.	Parks, Recreation & Tourism
2008	Naisbitt, W.	Avalanche frequency and magnitude: using power-law exponents to investigate snow-avalanche size proportions through time and space.
2008	Kim, H.C.	Civil Engineering

2007	Gilman, T.	Evaluating transportation alternatives using a time geographic accessibility measure
2004	Baurah, A.	An integration of active microwave remote sensing and a snowmelt runoff model for stream flow prediction in the Kuparak Watershed, Arctic Alaska
2004	Bosler, J.	A Development Response to Santaquin City's Natural Disasters.
2004	Bridwell, S.	Space-time masking techniques for privacy protection in location-based services
2004	Deeb, E.	Monitoring Snowpack Evolution Using Interferometric Synthetic Aperture Radar (InSAR) on the North Slope of Alaska, USA
2004	Sobek, A.	Access-U: a web-based navigation tool for disabled students at the University of Utah
2003	Barney, C.	Locating hierarchical urban service centers along the Wasatch Front using GIS location-allocation algorithms
2002	Koenig, L.	Evaluation of passive microwave snow water equivalent algorithms in the depth hoar dominated snowpack of the Kuparuk River Watershed, Alaska, USA
2002	Larsen, C.	Family & Consumer Studies
2002	Krokoski, J.	Geology & Geophysics
2000	Granberg, B.	Automated routing and permitting system for Utah Department of Transportation
2000	Bohn, A.	An integrated analysis of the Tijuana River Watershed: application of the BASINS model to an under-monitored binational watershed

Graduate student awards

2015	R. Hile., M.A. Geography: Jeanne X. Kasperson Award, Hazards, Risk & Disasters Specialty Group, Association of American Geographers.
2015	D. Li, Ph.D. Geography: Jeanne X. Kasperson Award, Hazards, Risk & Disasters Specialty Group, Association of American Geographers.
2012	K. Klein, M.A. Geography: <i>Jeanne X. Kasperson Award</i> , Hazards, Risk & Disasters Specialty Group, Association of American Geographers.
2010	L. Cao, Ph.D. Geography: <i>Student Paper Award</i> , Spatial Analysis and Modeling (SAM) Specialty Group, Association of American Geographers.
2008	L. Siebeneck, M.A. Geography: <i>Jeanne X. Kasperson Award</i> , Hazards Specialty Group, Association of American Geographers.

- 2007 E. Pultar, M.A. Geography: *Best Paper*, GIS Specialty Group, Association of American Geographers.
- 2006 J. VanLooy (not primary advisor): *Best Paper*, Rocky Mountain Regional Meeting, Association of American Geographers.

Undergraduate Mentoring and Advising

- 2015 Mentor, Marli Stevens, Undergraduate Research Opportunity Program: "Margin of Licensed Dog and Cat Populations and Adoptions from Animal Shelters in Utah in 2013-2014."
- 2015— Advisor, Undergraduate Hazards & Emergency Management Certificate students (~10 students so far).
- 2006—2010 Advisor, Stewart Moffat, Honor's B.S. in Undergraduate Studies: Disaster Management (published journal article).
- 2005—2007 Advisor, Brian Williams, B.S. in Undergraduate Studies: Comprehensive Emergency Management.
- 2001— Advisor, Undergraduate GIS Certificate Students (> 100 students).

Junior Faculty Mentoring

- 2017— Andrew Linke, Department of Geography, University of Utah
- 2014—2017 Ran Wei, Department of Geography, University of Utah
- 2011—2014 Steven Farber, Department of Geography, University of Utah
- 2009—2011 Scott Miles, Dept. of Geography, Western Washington U.
- 2009—2011 Timothy W. Collins, Department of Sociology, UT El Paso

SERVICE

Referee Duties

Journals

Applied Geography
Annals of the Association of American Geographers
Cartographica
Computers Environment & Urban Systems
Disasters
Environmental Hazards: Policy and Practice
Geographical Analysis
Geoinformatica
International Journal of Geographical Information Science
Journal of Geographical Systems

Journal of Transport Geography
 Natural Hazards
 Natural Hazards Review
 Networks and Spatial Economics
 Photogrammetric Engineering and Remote Sensing
 Professional Geographer
 Society & Natural Resources
 Transportation Research A: Policy & Practice
 Transportation Research B: Methodological
 Transportation Research C: Emerging Technologies
 Transactions in GIS

National Science Foundation Panels

Decision Risk and Uncertainty (1)
 Geography and Spatial Science, Doctoral Dissertation Improvement Grant (4)
 Civil & Mech. Systems – Infrastructure Management and Extreme Events (2)
 Civil & Mech. Systems - Rural Resiliency (1)
 NSF and NIH: Big Data (1)
 Hazards SEES: Type 2 (1)

Proposals

Center for Disaster Management & Humanitarian Assistance
 Faculty Research Grants, University of Utah (3)

External Promotional Reviews

Full Professor (5), Associate Professor (12)

Activities at Professional Conferences

2000 – 2020 **Paper session co-organizer, chair**, “Hazards, GIS and Remote Sensing” session, Annual Meeting of the Association of American Geographers.
 2002 – 2003 **Paper session organizer, chair, and judge**, “GIS Specialty Group Student Paper Competition,” Association of American Geographers Annual Meeting.
 1999 **Paper session organizer**, “Location Modeling and GIS,” Annual Meeting of the Association of American Geographers, Honolulu, Hawaii, March.

University Service

2023 - Member, Career Line Enhancement Committee. Office of the AVP for Faculty.
 2016 – 2023 Director, Environmental Track, Professional Master in Science & Technology. The Graduate School.
 2019 – 2023 Member, RPT Standards Committee, Office of the AVP for Faculty.
 2014 – 2017 Member, Academic Senate

2014 – 2017	Member, University Promotion & Tenure Advisory Committee (UPTAC)
2011 –	Member, Social Science General Education Committee
1999 – 2009	Delegate, University Consortium for GIScience
2013	Member, Graduate Research Fellowship (GRF) Committee
2010 – 2012	Member Student Evaluations Committee, Undergrad. Studies
2009 – 2012	Member, Graduate Council, College of Soc. and Beh. Science
2003 – 2004	Member, Instit. Review Board (IRB) Protocol Committee
2001 – 2004	Member, Social Science General Education Committee

College Service: Social & Behavioral Science

2014	Chair, Review, Promotion & Tenure Committee
2012 – 2014	Member, College Review, Promotion, & Tenure Committee
2015	Member, Superior Teaching Committee
2011 – 2012	Chair, Superior Teaching Committee
2007	Member, Search Committee, Inst. of Public and Intern Affairs
2005, 2006	Member, Superior Research Committee
2002, 2004	Member, Superior Teaching Committee

Departmental Service: Geography

2023 -	Chair, Review Promotion & Tenure Committee
2019 - 2020	Leadership Committee
2015 –	Member, Undergraduate Committee
2014 –2017	Representative, University Academic Senate
2014 –	Director, Certificate in Hazards & Emergency Management
2014	Author, Proposal for Cert. in Hazards & Emergency Manage.
2012 – 2022	Chair, Review, Promotion & Tenure Committee
2013	Chair, Search Committee for GIScience Position
2012	Co-author, proposal for MS in GIScience
2011 – 2012	Director of Graduate Studies
2010	Search Committee Chair, Human Geography Position
2004 – 2015	Member, Graduate Admissions Committee
2004 – 2008	Member, Colloquium Committee
2000 –	Chair, Geographic Information Science Area Committee

EXHIBIT 2



October 1, 2024
24220-00

Winter King and Tori Ballif Gibbons
Shute, Mihaly & Weinberger LLP
396 Hayes Street
San Francisco, CA 94102-4421

**Subject: Review of Greenhouse Gas Emissions Analyzed in the Recirculated Final
Environmental Impact Report for the Harmony Grove Village South Project**

Dear Ms. King and Ms. Ballif Gibbons:

Baseline Environmental Consulting (Baseline) has reviewed the Greenhouse Gas (GHG) Emissions section of the Recirculated Final Environmental Impact Report (RFEIR) for the Harmony Grove Village South Project (project) in the County of San Diego, California. The GHG analysis in the RFEIR is supported by a Global Climate Change Study prepared by Ldn Consulting, Inc. for the project in August 2024.

Based on our review, the RFEIR substantially underestimates the GHG emissions that would be generated by the project and requires additional mitigation to ensure the project does not result in a significant impact. As described below, we have identified critical errors in the calculations used for the project's GHG emissions related to vehicle miles travelled (VMT) and emission offsets from on-site solar energy production.

Underestimated GHG Emissions from Project-Generated VMT

The approach to estimating the project's GHG emissions from transportation are described on page 2.7-28 of the RFEIR as follows:

Mobile source emissions were based on the projected generated traffic volumes of 4,010 Average Daily Trips (ADT) as identified within Attachment H to 2018 EIR Appendix D.16. The average trip length calculated for this Project was 7.88 miles per trip (LLG 2016; see the Average Trip Length Analysis in Appendix C to the 2018 EIR Appendix J). The Project's trip distance of 7.88 miles (as stated in 2018 Appendix J, Appendix C) was also updated manually within CalEEMod for this GHG analysis.

Based on the assumptions that the project would generate approximately 4,010 trips per day with an average trip length of 7.88 miles, the project would generate approximately 31,600 VMT per day and approximately 11,534,000 VMT per year. However, according to the CalEEMod report included in the Global Climate Change Study, the project's annual GHG emissions were only estimated based

on approximately 10,212,000 VMT per year (**Table 1**). As a result, the project's estimated GHG emissions from annual VMT were underestimated by approximately 11.5 percent.

Table 1. CalEEMod Trip Summary Information from the Project Global Climate Change Study

Land Use	Average Daily Trip Rate			Unmitigated
	Weekday	Saturday	Sunday	Annual VMT
City Park	0.00	0.00	0.00	
Condo/Townhouse	2,080.00	2,080.00	2080.00	5,297,190
Parking Lot	0.00	0.00	0.00	
Single Family Housing	1,930.00	1,930.00	1930.00	4,915,181
Strip Mall	0.00	0.00	0.00	
Total	4,010.00	4,010.00	4,010.00	10,212,371

Source: Attachment A of the Global Climate Change Study, page 53 of the CalEEMod report.

According to Table 2.7-5 of the RFEIR, the project would result in approximately 2,846 metric tons (MT) of carbon dioxide equivalent (CO₂e) emissions per year based on the underestimated project-generated VMT used in the Global Climate Change Study. As summarized in **Table 2**, the actual annual VMT estimated for the project would result in approximately 3,214 MTCO₂e per year, which is approximately 368 MTCO₂e greater than the reported emissions in the RFEIR.

Table 2. Corrected GHG Emissions Analysis for Project-Generated VMT

Source	RFEIR Analysis (MTCO ₂ e/Year) ¹	Baseline Analysis (MTCO ₂ e/Year) ²
Mobile (excluding reductions from EVs)	2,846	3,214

Notes: EV = electric vehicle

¹ Page 2.7-45 of the RFEIR, Table 2.7-5.

² Emissions from the RFEIR analysis were scaled up to account for the 11.5% underestimate in annual VMT.

Overestimated GHG Emission Reductions from On-Site Solar Energy Production

The 2022 Energy Code requires single family and low-rise multi-family buildings to install solar photovoltaic (PV) systems large enough to generate electricity to provide for the full annual energy usage of the home. In accordance with the 2022 Energy Code, the project will install rooftop solar PV systems on the residential buildings to supply all the project's annual energy usage and the excess solar energy will flow into the San Diego Gas & Electric (SDG&E) grid to help offset energy production from non-renewable energy sources and their associated GHG emissions. The 2022 Energy Code reduces the new energy demand from residential projects and creates opportunities for SDG&E and other utility companies to purchase excess solar energy to help achieve statewide GHG reductions goals. Baseline has prepared an updated analysis to evaluate the project's compliance with the 2022 Energy code and the additional GHG emission offsets from excess solar energy that could be produced by the project. These results are then compared to the analysis presented in the RFEIR, as discussed below.

Baseline Analysis

According to the Global Climate Change Study, the project's annual energy consumption would be approximately 3,150 megawatt-hours (MWh). The project includes rooftop solar, as required by the 2022 Energy Code, which in general requires all new energy demand from residential projects to be provided by on-site solar energy production. As described on page 2.7-27 of the RFEIR, the project's rooftop solar would produce approximately 6,300 MWh of solar energy per year, which is about twice as much energy as the project would consume in a year. Because the entire annual energy consumption would be provided by the project's rooftop solar, the project's annual GHG emissions from electricity use would be net zero (see **Table 3**).

In addition, the project would generate approximately 3,150 MWh of excess solar energy per year as shown in the equation below.

$$\begin{array}{r} 6,300 \text{ MWh (Solar Energy Production)} \\ - 3,150 \text{ MWh (Solar Energy Consumption)} \\ \hline = 3,150 \text{ MWh (Excess Solar Energy)} \end{array}$$

As described on page 2.7-27 of the RFEIR, the 3,150 MWh of excess solar energy from the project would flow into the grid and help to offset SDG&E's energy production from non-renewable energy sources:

Since the on-site power generation would be 100 percent renewable and the excess power (amount of electricity exceeding the Project use) would flow into SDG&E's electrical grid as accepted in the NEM program (SDG&E 2023) per the CPUC (2023), any power generated through on-site solar and in excess of Project need would add renewable energy resources to the electrical grid. This would decrease SDG&E production demand supported by non-renewable sources and provide access to renewable energy to off-site users within the surrounding community.

The project's 3,150 MWh of excess solar energy would reduce GHG emissions generated by non-renewable energy sources in the SDG&E grid by approximately 1,155 MTCO₂e per year. This calculation is based on the assumption that 1 MWh of 100% renewable energy going into the grid would offset approximately 805 pounds of CO₂ from non-renewable energy sources.

As shown in **Table 3**, Baseline's updated analysis accounts for solar energy first being used to supply the project's annual energy demand, resulting in net zero GHG emissions for on-site energy use, and then the excess solar energy being sold to the SDG&E grid which would result in a total GHG emissions reduction of approximately 1,155 MTCO₂e per year for on-site energy use. This is substantially less than the GHG emissions reduction calculated in the RFEIR, as discussed below.

RFEIR Analysis

Rather than following the approach set forth above to calculate the project's GHG emissions related to electricity use and production, the RFEIR makes a series of unsupported assumptions that result in an overstatement of GHG reductions related to electricity use.

First, the Global Climate Change Study assumed that *all* 6,300 MWh of energy produced by the on-site solar PV systems would be put back in the grid (i.e., considered excess energy) and none of it would need to be used to meet the project's annual energy demand, which is incorrect. Based on that assumption, the Study calculated that the energy produced by the project's rooftop solar would offset 2,310 MTCO₂e per year. This calculation is based on the assumption that 1 MWh of 100% renewable energy going into the grid would offset approximately 805 pounds of CO₂ from non-renewable energy sources.

Next, the RFEIR assumed that, without the installation of rooftop solar PV systems, the project's annual energy consumption from the SDG&E grid would be approximately 3,150 MWh. Because the grid is estimated to have 60% renewable energy by 2030, the RFEIR estimates that the project would result in approximately 462 MTCO₂e per year from on-site energy consumption (**Table 3**). This calculation is based on the assumption that the consumption of 1 MWh of energy from the grid in 2030 would result in approximately 322 pounds of CO₂ from non-renewable energy sources.

Subtracting 462 MTCO₂e per year (estimated project emissions) from 2,310 MTCO₂e per year (estimated emissions offset), the RFEIR estimated that the project would reduce GHG emissions related to electricity use/generation by 1,848 MTCO₂e per year, approximately 700 MTCO₂e per year more than Baseline's updated analysis (**Table 3**).

The assumptions used to reach this conclusion are unsubstantiated. The project is required under the 2022 Energy Code to install solar PV systems that would result in net zero GHG emissions from on-site energy use: there would be no scenario where the project would not install a solar PV system without conflicting with the 2022 Energy Code. As a result, the assumption that the project would not install rooftop solar PV systems, and instead would obtain all of its energy from the grid, is unsupported. Likewise, the assumption that all of the electricity generated from the project's rooftop solar would be put back into the grid to offset non-renewable energy sources is unsupported. The purpose of the solar mandates in the 2022 Energy Code is to ensure that all of the new electricity demand for a residential development, such as the proposed project, is met by on-site solar energy production.

These two unsupported assumptions result in an overestimate of the project's GHG reductions because the rate of GHG offset resulting from adding 100% renewable energy to the grid is much higher than the rate of GHG emission associated with taking energy from the grid in 2030 (**Figure 1**). The resulting calculation in the RFEIR (see **Table 3**) does not realistically calculate the project's GHG emissions from energy use and on-site solar energy production.

Table 3. Corrected GHG Emissions from Energy Usage and On-Site Solar Energy Production

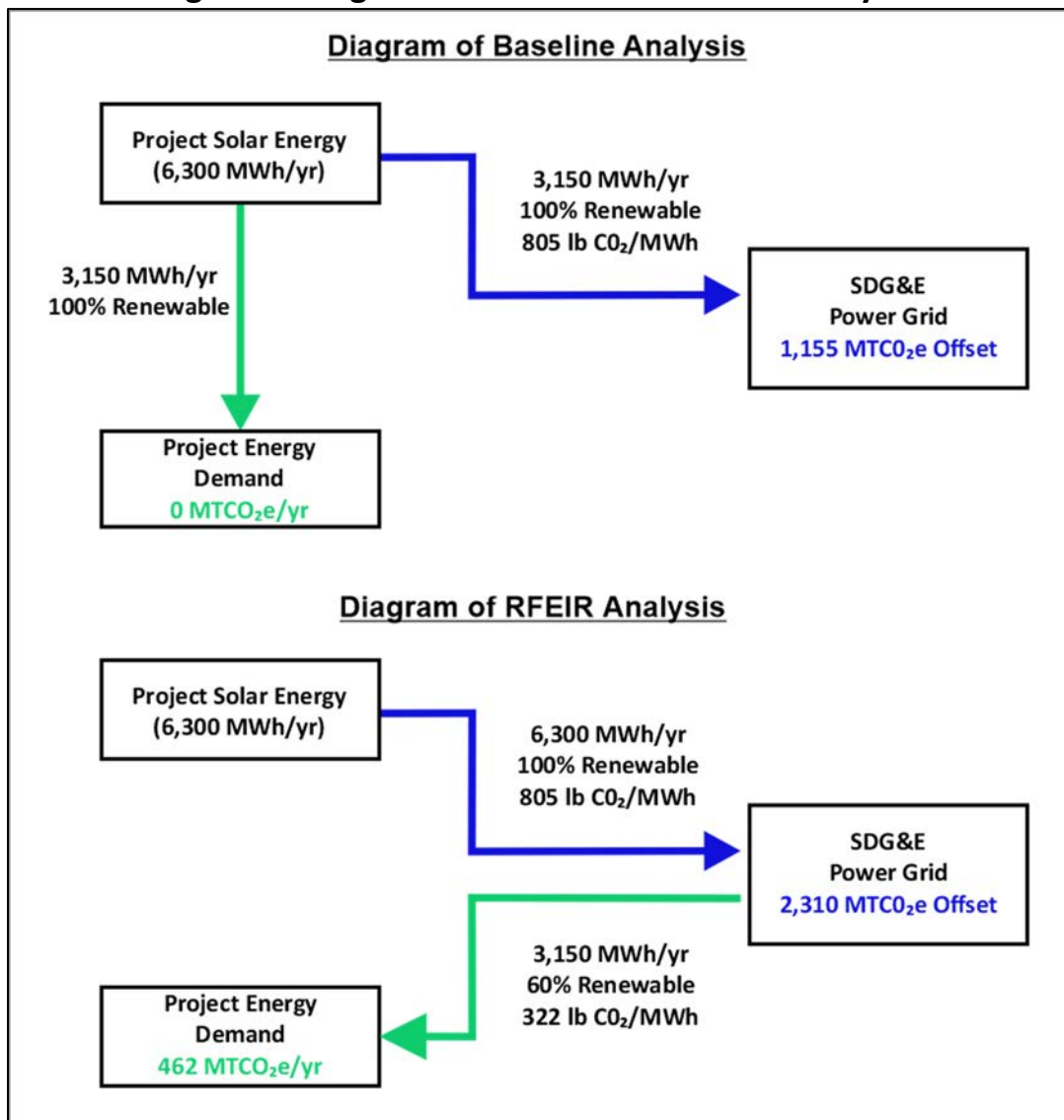
Source	RFEIR Analysis (MTCO ₂ e/Year) ¹	Baseline Analysis (MTCO ₂ e/Year) ²
Electricity Consumption	462	0
Excess Solar Energy for SDG&E Grid	- 2,310	- 1,155
Total Reduction	- 1,848	- 1,155

Notes:

¹ Page 2.7-45 of the RFEIR, Table 2.7-5.

² Emissions from the RFEIR analysis for excess solar energy were scaled down to only account for 3,150 MWh of the total 6,300 MWh of solar energy produced by the project.

Figure 1. Diagrams of Baseline and RFEIR Analyses



Revisions to Mitigation Measure M-GHG-1

Based on the corrections to the RFEIR analysis of GHG emissions discussed above, the project's updated analysis of total annual GHG emissions for the year 2030 is summarized in **Table 4**. The project would generate a total of approximately 2,100 MTCO₂e per year, which is about twice the amount of GHG emissions reported in the RFEIR. Mitigation Measure M-GHG-1 on page 2.7-35 through 2.7-38 of the RFEIR will need to be revised to include installation of additional solar PV panels capable of generating enough power to offset 2,100 MTCO₂e per year on existing buildings that do not currently utilize solar energy.

Table 4. Corrected GHG Emissions Reduction Analysis from On-Site Solar Energy Production

Source	RFEIR Analysis (MTCO ₂ e/Yr) ¹	Baseline Analysis (MTCO ₂ e/Yr) ²
Area	6	6
Electrical	462	0
Mobile	2,846	3,214
Waste	133	133
Water	84	84
Diesel Generators	14	14
Amortized Construction	123	123
8 EV Charging Stations at the Center House	-38	-38
453 EV Chargers at Garages	-258	-258
On-Site Residential Solar	-2,310	-1,155
2,045 Trees	-24	-24
Total	1,038	2,100

Notes:

¹ Page 2.7-45 of the RFEIR, Table 2.7-5.

² Updated values based on Tables 2 and 3 of this letter.

Conclusions

Based on our review, the RFEIR substantially underestimates the GHG emissions that would be generated by the project and requires additional mitigation to ensure the project does not result in a significant impact. Therefore, Baseline recommends that the County revise the RFEIR to update the project's estimates of GHG emissions and mitigation measure M-GHG-1 to ensure GHG emissions are reduced to a less-than-significant level.

Sincerely,



Patrick Sutton
Principal Environmental Engineer

ATTACHMENT A

Staff Resume

Patrick Sutton, P.E.

Principal Environmental Engineer



Areas of Expertise

Air Quality, GHGs, Noise, Hazardous Materials, Geology, and Hydrology

Education

M.S., Civil and Environmental Engineering, University of California – Davis

B.S., Environmental Science, Dickinson College

Registration

Professional Engineer No. 13609 (RI)

Years of Experience

20 Years

Patrick Sutton is an environmental engineer who specializes in the assessment of hazardous materials released into the environment. Mr. Sutton prepares technical reports in support of environmental review, such as Phase I/II Environmental Site Investigations, Air Quality Reports, and Health Risk Assessments. He has prepared numerous CEQA/NEPA evaluations for air quality, GHGs, noise, energy, geology, hazardous materials, and water quality related to residential, commercial, and industrial projects, as well as large infrastructure developments. His proficiency in a wide range of modeling software (AERMOD, CalEEMod, RCEM, CT-EMFAC) as well as relational databases, GIS, and graphics design allows him to thoroughly and efficiently assess and mitigate environmental concerns.

For mixed-use development projects, Mr. Sutton has prepared health risk assessments for sensitive receptors exposed to toxic air contaminants based on air dispersion modeling. For large transportation improvement projects, Mr. Sutton has prepared air quality and hazardous materials technical reports in accordance with Caltrans requirements. The air quality assessments include the evaluation of criteria air pollutants, mobile source air toxics, and GHG emissions to support environmental review of the project under CEQA/NEPA and to determine conformity with the State Implementation Plan. The hazardous materials investigations include sampling and statistically analysis of aerially-deposited lead adjacent to highway corridors. Mr. Sutton is also an active member of ASTM International and is the author of the Standard Practice for Low-Flow Purging and Sampling Used for Groundwater Monitoring.

Project Experience

Oakland Downtown Specific Plan EIR. Prepared a program- and project-level Air Quality and GHG Emissions analysis. Developed a mitigation measure with performance standards to ensure GHG emissions from future projects comply with the Citywide 2030 GHG reduction target.

I-680 Express Lanes from SR 84 to Alcosta Boulevard Project. Prepared Initial Site Assessment and Preliminary Site Investigation to evaluate contaminants of potential concern in soil and groundwater. Prepared Air Quality Report to determine the project's conformity to federal air quality regulations and to support environmental review of the project under CEQA and NEPA.

Altamont Corridor Expressway (ACE/Forward) Project EIR/EIS. Prepared a program- and project-level Hazardous Materials analysis for over 120 miles of railroad corridor from San Jose to Merced. Hazardous materials concerns, such as release sites, petroleum pipelines, agricultural pesticides, and nearby school sites were evaluated in GIS.

Stonegate Residential Subdivision EIR. Prepared a project-level Hydrology and Water Quality analysis for a residential development located within the 100-year floodplain. The proposed project included modifications to existing levees and flood channels.

BART Silicon Valley Extension Project. Prepared Initial Site Assessment and Hazardous Materials EIS/EIR section for extending 6 miles of proposed BART service through the Cities of San Jose and Santa Clara.

EXHIBIT 3



To: Winter King, Attorney
Shute Mihaly & Weinberger, LLP

Date: October 4, 2024

From: Shelly Sorensen, PE, PTOE

Job Number: 24.5710

RE: Harmony Grove Village South – Infill Analysis
Traffic Memorandum



INTRODUCTION AND PURPOSE OF MEMORANDUM

Lōkahi, LLC (Lōkahi) has prepared a Traffic Memorandum to provide comments in response to a review of a technical memorandum, dated October 2, 2023, entitled *Harmony Grove Village South – Infill Analysis* (Harmony Grove Village South memo). See **Attachment A** for the Harmony Grove Village South memo.

The Harmony Grove Village South memo was prepared to evaluate whether the proposed Harmony Grove Village South development meets San Diego County’s ‘infill’ requirements, as outlined in Section 3.3.1 of San Diego County’s *Transportation Study Guidelines* (TSG), dated September 2022.

There are two (2) components to the infill analysis. These components include the Harmony Grove Village south and the Harmony Grove Specific Plan Area. For the purposes of this memorandum, these two (2) components will be jointly referred to as the Harmony Grove residential development.

INFILL DEFINITION

According to the County of San Diego’s TSG, dated September 2022, the definition of infill is defined and codified in California’s Public Resource Code 21061.3, as the following:

“Infill site” means a site is an urbanized area that meets either of the following criteria:

- (a) *The site has not been previously developed for urban uses and both of the following apply:*
 - 1) *The site is immediately adjacent to parcels that are developed with qualified urban uses. Or at least 75 percent of the perimeter of the site adjoins parcels that are*





- developed with qualified urban uses, and the remaining 25 percent of the site adjoins parcels that have previously been developed for qualified urban uses.*
- 2) *No parcel within the site has been created within the past 10 years unless the parcel was created as a result of the plan of a redevelopment agency.*
- (b) *The site has been previously developed for qualified urban uses.*

Although the proposed Harmony Grove Village South is adjacent to an urban infill area, it only shares approximately a 15 percent of the perimeter.

RESPONSE TO HARMONY GROVE VILLAGE SOUTH – INFILL ANALYSIS

According to the County of San Diego’s TSG, dated September 2022, for a proposed development to be considered an infill development, the County of San Diego outlines three (3) criteria that must be met:

- 1) *Household Density* – have a household density above 385 housing units/square mile
 - 2) *Intersection Density* – have over 128 intersections/square mile
 - 3) *Jobs Accessibility* – demonstrate an adequate Job Accessibility Score (determined by the number of employment opportunities within a 15-mile radius of the development)
- The Harmony Grove Village South memo provides analysis of the three (3) infill criteria.

The following are comments regarding a review of the Harmony Grove Village South memo’s analysis of the *Intersection Density* criteria:

Number of Intersections within Harmony Grove Village

The Harmony Grove Village South memo involves inconsistencies regarding the number of intersections present within the two (2) components of the Harmony Grove residential development.

According to Section 2.4 of the City of San Diego *Street Design Manual*, dated March 2017, “the word *intersection* means more than just the meeting of two or more streets”. The *Institute of Transportation Engineer (ITE)* defines an intersection as “any at-grade junction of two or more public roads.”

Applying this definition of *intersection* yields a total number of intersections that conflicts with the 123 intersections identified in the Harmony Grove Village South memo. The Harmony Grove Village South memo considered the following in the count of intersections:

- Intersections on the Harmony Grove Spiritualist Association site, a private church facility separate from the Harmony Grove residential developments, were considered.



Since these six (6) intersections are on private property separate from the Harmony Grove residential developments, they should not have been considered.

- Shared driveways connected to main roadways that provide access to residential cul-de-sacs were considered to be intersections.

When excluding these shared cul-de-sac driveways, there is a reduction of eight (8) total intersections.

- Certain intersections were considered, and upon further investigation, did not involve two or more roadways. Aerial photography revealed that dead end roads, 90-degree curves in roadways, and the crossing of dirt roadways and small watersheds were incorrectly considered intersections

When excluding these incorrectly identified intersections, there is a reduction of eight (8) total intersections.

A markup identifying the above incorrectly identified intersections is shown in **Figure 1** below.

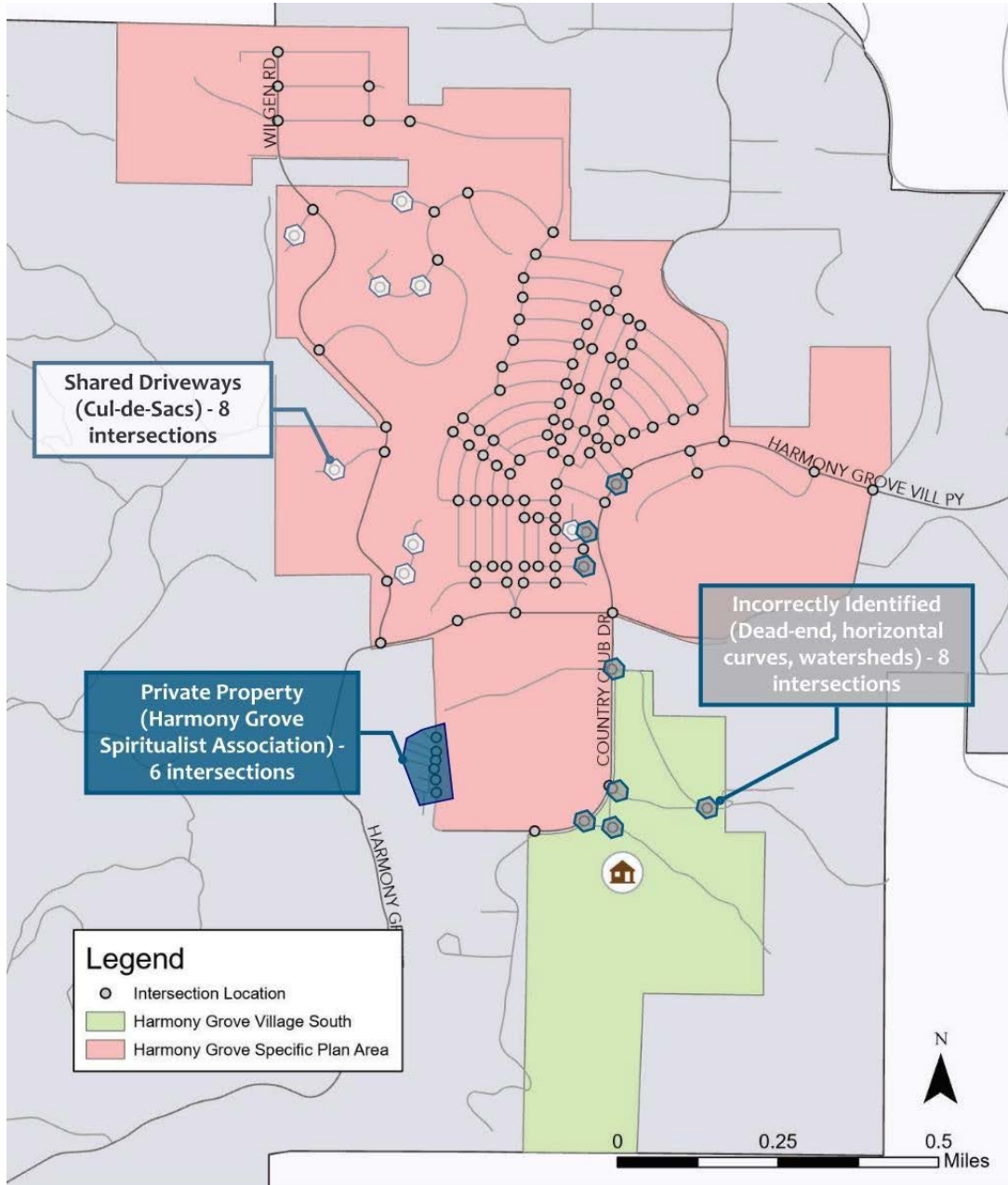


Figure 1 – Incorrectly Identified Intersections

The Harmony Grove Village South memo identified 126 intersections between the two (2) components of the 0.9 square mile Harmony Grove residential development. This resulted in an intersection density of 140 intersections/square mile, a density above the intersection density threshold of 128 intersections/square mile identified in the County of San Diego's TSG, dated September 2022.



However, it was determined that six (6) of the identified intersections were on private property separate from the Harmony Grove residential development, eight (8) were shared cul-de-sac driveways, and eight (8) were dead end roads, horizontal curves, and drainage features. Thus, a total of twenty-two (22) intersections should be excluded when considering intersection density. With this reduction of twenty-two (22) intersections, the total number of intersections in the 0.9 square mile Harmony Grove residential development falls to 104 intersections, resulting in an intersection density of 116 intersections/square mile.

Upon removal of incorrectly identified intersections, the calculated intersection density of 116 intersections/square mile falls below the threshold of 128 intersections/square mile required for the Harmony Grove residential development to be considered an infill development.



ATTACHMENT A – HARMONY GROVE VILLAGE SOUTH – INFILL ANALYSIS



MEMORANDUM

To: David Kovach; Kovach Group of Companies
Ann Moore; Norton Moore & Adams LLP
From: Stephen Cook, TE, Intersecting Metrics
Date: October 2, 2023
Regarding: Harmony Grove Village South – Infill Analysis

The purpose of this technical memorandum (memo) is to evaluate if the proposed Harmony Grove Village South development (Proposed Project) meets the County of San Diego's "Infill" requirements, as outlined in Section 3.3.1 of its *Transportation Study Guidelines (TSG)*, September 2022¹.

1.0 Introduction

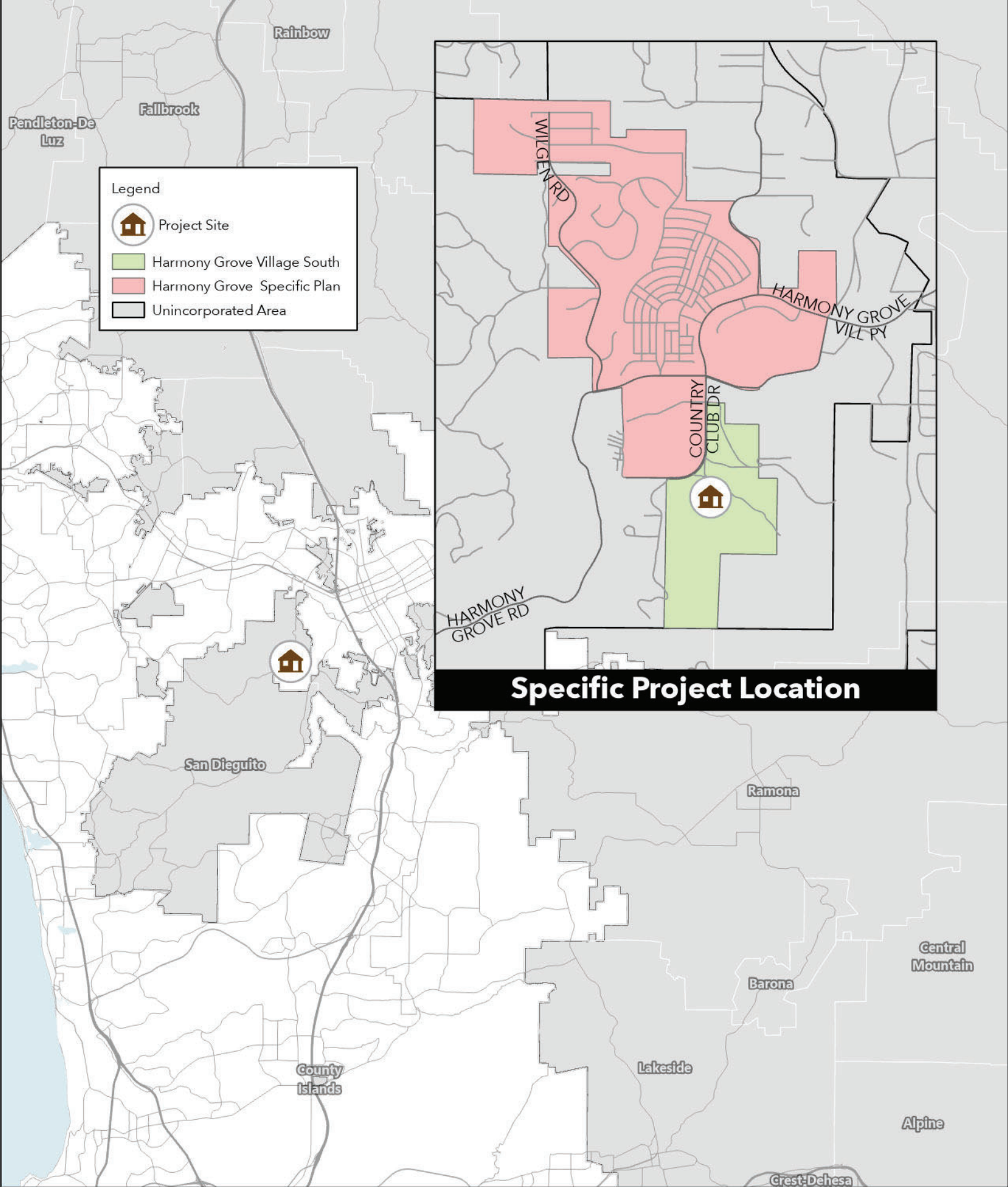
The Proposed Project site is located within the Elfin Forest and Harmony Grove Planning Area of the larger San Dieguito Community Planning Area. The Proposed Project will include 453 dwelling units, 5,000 square feet (SF) of commercial/civic uses, and approximately 4 acres of public and private parks. The Proposed Project will expand, complement, and support the existing, fully-occupied Harmony Grove Village Specific Plan, located directly north and west. The Proposed Project will diversify the mix of housing opportunities and providing limited commercial/civic uses that are compatible with the existing elements of Harmony Grove Village Specific Plan area. **Figures 1 & 2** display the Proposed Project's location and site plan, respectively. The *Harmony Grove Village South Environmental Impact Report* (Final EIR) was certified by the County Board of Supervisors on July 25, 2018. The Proposed Project has not changed since the EIR was certified by the board.

2.0 County of San Diego VMT Screening Analysis

In response to the enactment of California Senate Bill 743 and the December 2018 update to the California Environmental Quality Act (CEQA) Guidelines, the County of San Diego updated the significance thresholds for transportation-related impacts, as outlined the revised *Transportation Study Guidelines (TSG)* in September 2022. As outlined in Section 2.2 and Table 1 of the TSG, areas within the unincorporated portions of the County that are considered "infill" would be screened out from conducting a CEQA VMT analysis, as their impact is considered to be less than significant. Also, as noted in Table 1 of the TSG, a project is considered infill if it is identified in the County's location based maps² OR meets the Infill criteria outlined in the *Infill Areas in Unincorporated San Diego County Memo*, October 29, 2021, Fehr & Peers, which is included as Appendix D of the TSG. Section 3.3.1 of the TSG also outlines the criteria an area must meet to be considered infill.

¹<https://www.sandiegocounty.gov/content/dam/sdc/pds/SB743/Transportation%20Study%20Guide%20-%20FINAL%20-%20September%202022.pdf>

² <https://www.sandiegocounty.gov/content/sdc/pds/SB743.html>



Specific Project Location





No Scale





3.0 Methodology for Determining Infill Areas

The methodology used to identify infill areas within the Unincorporated areas of the County of San Diego is outlined in a technical memo: *Infill Areas in Unincorporated San Diego County Memo, October 29, 2021, Fehr & Peers*, that is included as Appendix D of the County's TSG. Based on this methodology, a development is considered infill when it meets the following three criteria.

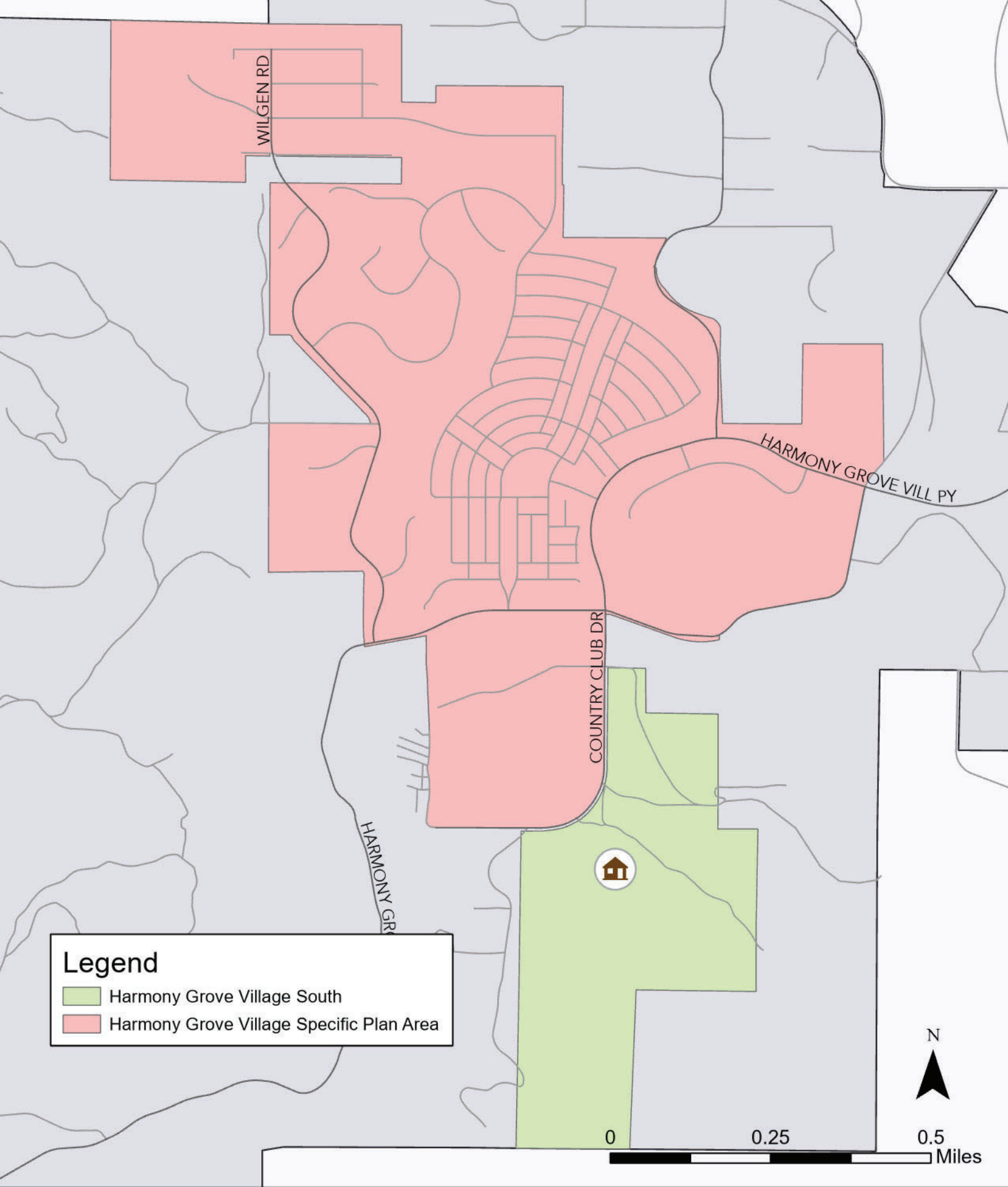
1. **Household density.** In an area with a household density of ~~425 housing units/square mile~~^{385 units/sq mi} or higher.
2. **Intersection density.** In an areas with an intersection density above 128 intersections/square mile.
3. **Jobs Accessibility.** Has a Job Accessibility Score⁴ of 12.73 or higher.

The County of San Diego's SB 743 Screening Map was conducted at a Countywide level, utilizing Traffic Analysis Zones (TAZs) the study area boundaries and factoring in housing and intersection densities from adjacent incorporated jurisdictions. The Housing and intersection densities were derived from the SANDAG Series 14 Activity Based Model (ABM 2+) – Base Year (Year 2016) forecast. The map is meant to be used at a high level and does not take into account all scenarios and particularities of individual developments. As noted in Table 1 of the TSG if an area is not located within the screening map, it can still be identified as infill if it meets the criteria outlined in the *Infill Areas in Unincorporated San Diego County Memo, October 29, 2021, Fehr & Peers*. Therefore, the County allows projects to present a more refined analysis based on their specific location and boundaries.

The Proposed Project is located in an adjacent TAZ to the Harmony Grove Village Specific Plan; thus, the County's Screening Map did not analyze the project site in conjunction with Harmony Grove Village (which is identified as an infill area). TAZ boundaries are utilized for regional traffic modeling purposes and can be somewhat arbitrary as they do not take into account specific plan developments or the connections between development sites. TAZ boundaries are considered as appropriate study area boundaries for a countywide assessment, but can/should be refined when conducting a project specific analysis. As such, the following provides a refined analysis, specific to the project site, to determine if the Proposed Project site would qualify as infill, because of its location adjacent to the Harmony Grove Village Specific Plan area. Therefore, this study analyzes the existing Harmony Grove Village Specific Plan area which is 0.73 square miles (468 acres) plus the Proposed Project site which is an additional 0.17 square miles (111 acres), resulting in a total area of **0.90 square miles** as shown in Figure 3.

³ Note: The County's guidelines require 385 units per square miles; however, the US Census and Department of Transportation updated the definition of "Urban Core" to be 425 units per square mile based on 2020 census data.

⁴ Note: Jobs accessibility is measured as an inverse distance-weighted sum of jobs within a 5-mile radius. The current variable used for jobs accessibility for Unincorporated County areas uses an inverse distance-weighted sum for areas within a 15-mile radius. Jobs accessibility fulfills the destination accessibility factor, and more broadly the diversity factor.





4.0 Harmony Grove Village Infill Analysis – Existing Conditions

This section evaluates if the Harmony Grove Specific Plan area plus the Proposed Project area currently meet the County's infill criteria without the implementation of the Proposed Project.

Household Density

The study area has a total of 736 existing dwelling units, resulting in an existing household density of 818 units per square mile (736 units / 0.9 square miles). This is well above the infill requirement of 425 housing units per square mile. The existing unit information was based on existing accessor records parcel data and is provided as **Attachment A**.

Intersection Density

As shown in **Figure 4**, the Harmony Grove Village Specific Plan Area has 123 existing intersections, resulting in an intersection density of 136 intersections per square mile (123 intersections / 0.9 square miles). This is well above the infill requirement of 128 intersections per square mile.

Jobs Accessibility

A job accessibility analysis was conducted based on all of the total number of jobs within a 15 mile radius of the Proposed Project site, as shown in **Figure 5**. As prescribed within the TSG, Job Accessibility is determined based on the total number of jobs within a 15 mile radius, divided by the distance of the job from the Proposed Project site. The total number of jobs was based on Year 2020 census data. Based on this analysis the Proposed Project site has a Job Accessibility score of 44.49, which is well above the infill requirement. The job and distance information used for this analysis is provided in **Attachment B**.

5.0 Harmony Grove Village Infill Analysis – With the Proposed Project

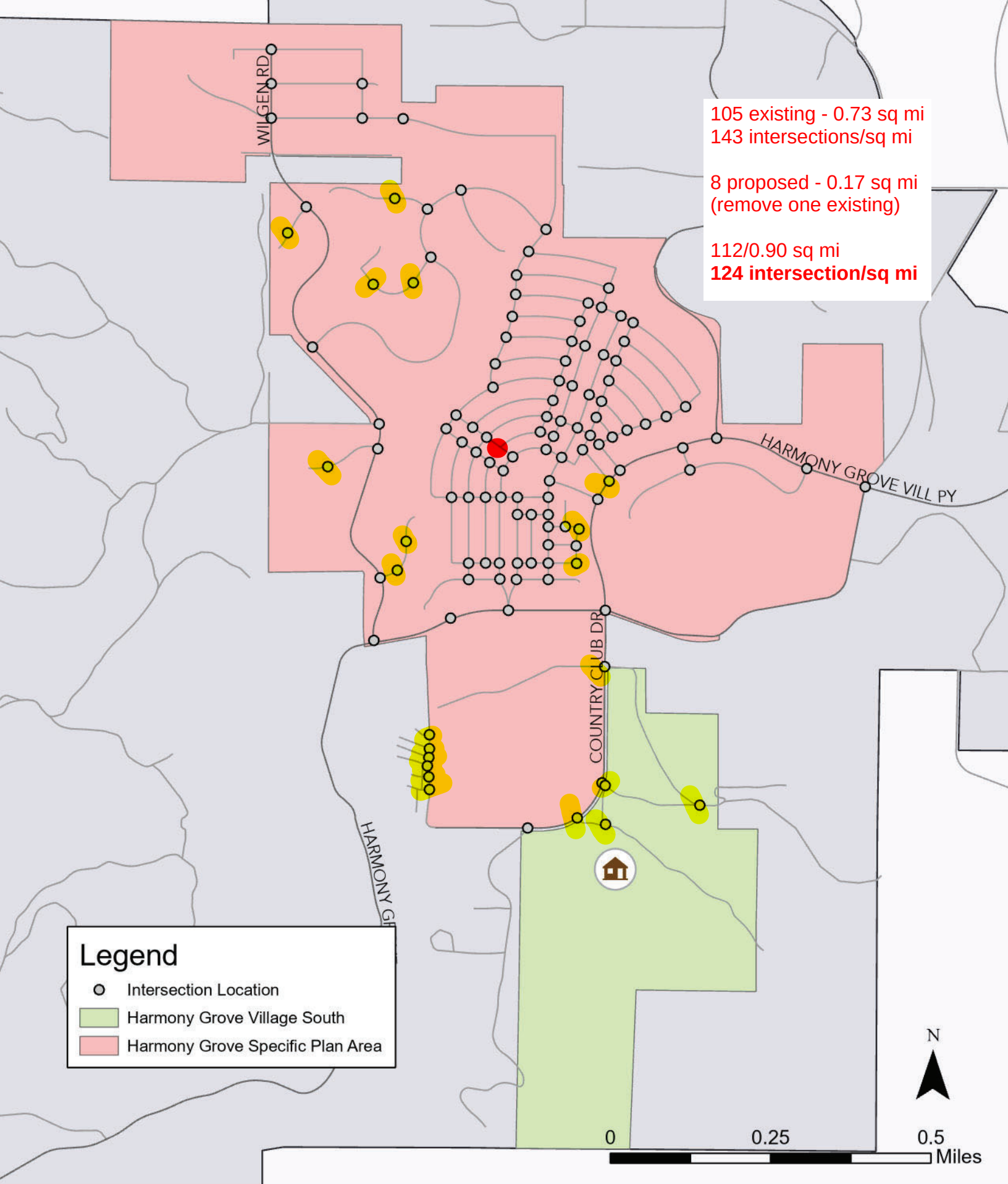
The following provides a refined analysis, specific to the project site, to determine if the Proposed Project would qualify as infill, when assumed in conjunction with Harmony Grove Village Specific Plan.

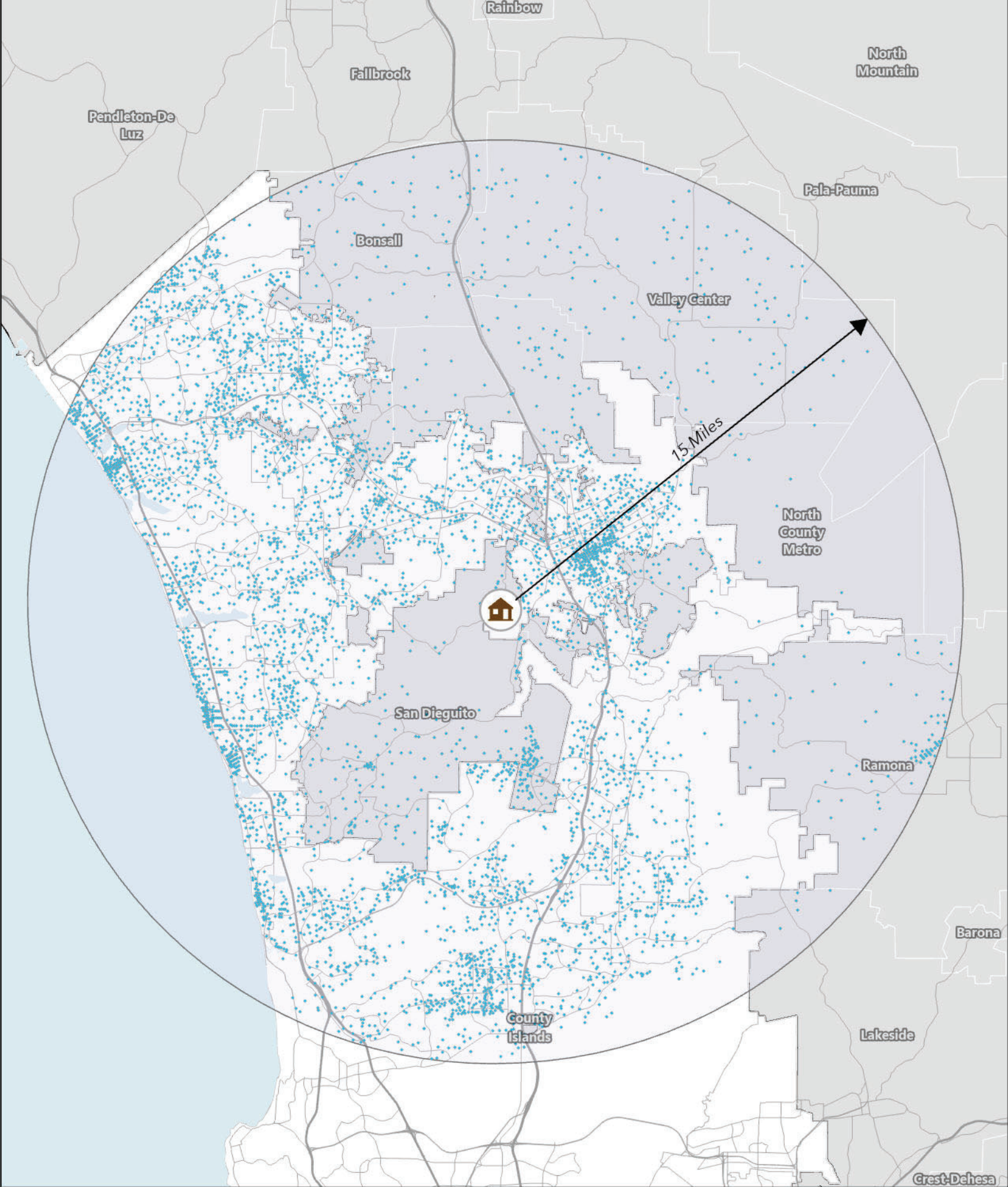
Household Density

As noted previously, the Harmony Grove Village Specific Plan area has a total of 736 existing dwelling units that have been built and are fully occupied. The Proposed Project site would add an additional 453 dwelling units resulting in 1,189 total units between both sites, with an increased housing density of 1,321 units per square mile (1,189 units / 0.9 square miles). This is well above the infill requirement of 425 housing units per square mile.

Intersection Density

As shown in **Figure 3**, The Harmony Grove Village Specific Plan area has 117 existing intersections (note there are 6 existing intersection in the Harmony Grove South area), the Proposed Project will add an additional nine intersections, as shown previously in Figure 2. Therefore, with the implementation of the Proposed Project, there will be a total of 126 intersections between the two subject planning areas, resulting in an intersection density of 139 intersections per square mile (126 intersections / 0.90 square miles). This is well above the infill requirement of 128 intersections per square mile.







Jobs Accessibility

The Job Accessibility Score would not change with the implementation of the Proposed Project; therefore it would remain at 44.49 with the Proposed Project.

6.0 Conclusion

Based on the standards and definitions set forth in Attachment D of the County's TSG, the Proposed Project site would be considered an infill development both with and without the Proposed Project land uses. Therefore, as an infill development, the project would not be required to perform a VMT analysis.

Table 1 – Infill Analysis Summary

Metric	Standard	Existing Conditions	Meets Standard?	With Project Conditions	Meets Standard?	Change
Household Density (Units Per Square Mile)	425	818	Yes	1,321	Yes	+503
Intersection Density (Intersections Per Square Mile)	128	136	Yes	139	Yes	+3
Jobs Accessibility (Accessibility Score)	12.73	44.49	Yes	44.49	Yes	-

As per Section 2.2 and Section 3.3.1 of the County's TSG, the Proposed Project would be screened out from conducting a VMT analysis.



Attachment A Existing Parcel Data

APN	Street	Suffix	#	Units	APN	Street	Suffix	#	Units
2355604600	OVERLOOK POINT	DR	0	0	2355706000	FISHERS	PL	0	0
2355613200	OVERLOOK POINT	DR	2682	1	2355702000	RIDING TRAIL	DR	21427	1
2355613100	OVERLOOK POINT	DR	2678	1	2355703300	TRAIL BLAZER	LN	21410	1
2355610400	OVERLOOK POINT	DR	2685	1	2355702100	RIDING TRAIL	DR	21421	1
2355603800	COUNTRY CLUB	DR	0	0	2355702900	TRAIL BLAZER	LN	21434	1
2355602100	OVERLOOK POINT	DR	2717	1	2355700900	STARRY NIGHT	DR	2812	1
2355613900	OVERLOOK POINT	DR	0	0	2355700800	STARRY NIGHT	DR	2816	1
2355620400	HARMONY GROVE VILLAGE	PKWY	0	0	2355704600	FISHERS	PL	2838	1
2355704100	FISHERS	PL	2839	1	2355711000	TRAIL RIDGE	DR	21653	1
2355703200	TRAIL BLAZER	LN	21416	1	2355710600	TRAIL BLAZER	LN	21541	1
2355701700	RIDING TRAIL	DR	21445	1	2355704900	CALIFORNIA POPPY	ST	2855	1
2355700400	TRAIL BLAZER	LN	21473	1	2355711100	TRAIL RIDGE	DR	21659	1
2355704200	FISHERS	PL	2831	1	2355800700	TRAIL RIDGE	DR	21562	1
2355702600	TRAIL BLAZER	LN	21452	1	2355800900	TRAIL RIDGE	DR	21570	1
2355705900	TRAIL BLAZER	LN	0	0	2355801000	TRAIL RIDGE	DR	21574	1
2355702300	RIDING TRAIL	DR	21409	1	2355802000	TRAIL RIDGE	DR	21557	1
2355705400	CALIFORNIA POPPY	ST	2815	1	2355810300	TRAIL RIDGE	DR	21526	1
2355703900	FISHERS	PL	2855	1	2355811700	HARMONY VILLAGE	DR	21516	1
2355712000	STARRY NIGHT	DR	2815	0	2355812100	STARRY NIGHT	DR	0	0
2355711700	TRAIL BLAZER	LN	21505	0	2355811300	TRAIL RIDGE	DR	21511	1
2355720700	HARMONY GROVE	RD	2850	0	2355823400	HARMONY VILLAGE	DR	21456	1
2355613500	OVERLOOK POINT	DR	2694	1	2355823200	HARMONY VILLAGE	DR	21468	1
2355604400	OVERLOOK POINT	DR	0	0	2355823300	HARMONY VILLAGE	DR	21462	1
2355614300	OVERLOOK POINT	DR	0	0	2355823900	HARMONY VILLAGE	DR	21426	1
2355603600	OVERLOOK POINT	DR	2760	1	2355824400	ELDENBERRY	ST	2941	1
2355601600	OVERLOOK POINT	DR	2737	1	2355820100	TRAIL RIDGE	DR	21480	1
2355603900	OVERLOOK POINT	DR	0	0	2355902900	DEER GRASS	DR	21864	1
2355613800	OVERLOOK POINT	DR	0	0	2355901200	DEER GRASS	DR	21877	1
2355620500	HARMONY GROVE VILLAGE	PKWY	0	0	2355902400	DEER GRASS	DR	21829	1
2355702700	TRAIL BLAZER	LN	21446	1	2355900100	AMBLE	DR	21774	1
2355704500	FISHERS	PL	2846	1	2355910500	FLEDGLING	DR	2945	1
2355704800	FISHERS	PL	2822	1	2355911200	FLEDGLING	DR	2962	1
2355700100	TRAIL BLAZER	LN	21455	1	2355910100	FLEDGLING	DR	2977	1
2355705700	FISHERS	PL	0	0	2355914700	LONG TROT	DR	0	0
2355706100	RIDING TRAIL	DR	0	0	2355911100	FLEDGLING	DR	2970	1
2355720400	HARMONY GROVE	RD	0	0	2355914000	STARRY NIGHT	DR	3065	1
2355705600	TRAIL BLAZER	LN	21485	0	2355910400	FLEDGLING	DR	2953	1
2355720600	HARMONY GROVE	RD	0	0	2355912800	STARRY NIGHT	DR	3092	1
2355720500	HARMONY GROVE	RD	2982	0	2355611700	OVERLOOK POINT	DR	2633	1
2355603500	OVERLOOK POINT	DR	2764	1	2355620200	OVERLOOK POINT	DR	2604	0
2355603300	OVERLOOK POINT	DR	2750	1	2355620700	OVERLOOK POINT	DR	0	0
2355600400	OVERLOOK POINT	DR	2785	1	2355601200	OVERLOOK POINT	DR	2753	1
2355604700	OVERLOOK POINT	DR	0	0	2355604200	OVERLOOK POINT	DR	0	0
2355604500	OVERLOOK POINT	DR	0	0	2355600900	OVERLOOK POINT	DR	2765	1
2355610800	OVERLOOK POINT	DR	2669	1	2355611300	OVERLOOK POINT	DR	2649	1
2355614500	OVERLOOK POINT	DR	0	0	2355620300	HARMONY GROVE VILLAGE	PKWY	2625	0
2355701400	RIDING TRAIL	DR	21463	1	2355620800	HARMONY GROVE	RD	0	0
2355700700	STARRY NIGHT	DR	2820	1	2355701200	RIDING TRAIL	DR	21475	1
2355702400	TRAIL BLAZER	LN	21464	1	2355701800	RIDING TRAIL	DR	21439	1
2355701000	STARRY NIGHT	DR	2808	1	2355703600	CALIFORNIA POPPY	ST	2879	1
2355705200	CALIFORNIA POPPY	ST	2831	1	2355702200	RIDING TRAIL	DR	21415	1
2355704000	FISHERS	PL	2847	1	2355701300	RIDING TRAIL	DR	21469	1
2355710800	TRAIL RIDGE	DR	21641	1	2355711200	TRAIL RIDGE	DR	21665	1
2355711900	TRAIL BLAZER	LN	0	0	2355701100	STARRY NIGHT	DR	2804	1
2355703800	CALIFORNIA POPPY	ST	2863	1	2355710300	TRAIL BLAZER	LN	21523	1

APN	Street	Suffix	#	Units	APN	Street	Suffix	#	Units
2355700600	STARRY NIGHT	DR	2824	1	2355705800	FISHERS	PL	0	0
2355720300	HARMONY GROVE	RD	0	0	2355710400	TRAIL BLAZER	LN	21529	1
2355612500	OVERLOOK POINT	DR	2640	1	2355710700	TRAIL BLAZER	LN	21547	1
2355620100	COUNTRY CLUB	DR	2450	1	2355800100	TRAIL RIDGE	DR	21538	1
2355601300	OVERLOOK POINT	DR	2749	1	2355800300	TRAIL RIDGE	DR	21546	1
2355612300	OVERLOOK POINT	DR	2609	1	2355803600	TRAIL RIDGE	DR	0	0
2355602400	OVERLOOK POINT	DR	2705	1	2355801100	TRAIL RIDGE	DR	21578	1
2355611200	OVERLOOK POINT	DR	2653	1	2355810800	TRAIL RIDGE	DR	21506	1
2355620900	HARMONY GROVE VILLAGE	PKWY	0	0	2355811400	TRAIL RIDGE	DR	21507	1
2355705000	CALIFORNIA POPPY	ST	2847	1	2355811800	HARMONY VILLAGE	DR	21512	1
2355702500	TRAIL BLAZER	LN	21458	1	2355810500	TRAIL RIDGE	DR	21518	1
2355703700	CALIFORNIA POPPY	ST	2871	1	2355820200	TRAIL RIDGE	DR	21474	1
2355700200	TRAIL BLAZER	LN	21461	1	2355824900	ELDENBERRY	ST	2911	1
2355703500	CALIFORNIA POPPY	ST	2885	1	2355823600	HARMONY VILLAGE	DR	21444	1
2355703100	TRAIL BLAZER	LN	21422	1	2355821800	TRAIL RIDGE	DR	21457	1
2355711500	TRAIL RIDGE	DR	21683	1	2355822700	HARMONY VILLAGE	DR	21498	1
2355710200	TRAIL BLAZER	LN	21517	1	2355824300	ELDENBERRY	ST	2947	1
2355704300	FISHERS	PL	2823	1	2355901500	DEER GRASS	DR	21865	1
2355711800	TRAIL BLAZER	LN	0	0	2355904600	LONG TROT	DR	0	0
2355720800	COUNTRY CLUB	DR	0	0	2355903900	AMBLE	DR	21747	1
2355803000	HARMONY VILLAGE	DR	21562	1	2355903100	DEER GRASS	DR	21856	1
2355802600	HARMONY VILLAGE	DR	21546	1	2355903000	DEER GRASS	DR	21860	1
2355801800	TRAIL RIDGE	DR	21565	1	2355904300	LONG TROT	DR	0	0
2355800500	TRAIL RIDGE	DR	21554	1	2355910900	FLEDGLING	DR	2913	1
2355803100	HARMONY VILLAGE	DR	21566	1	2355912600	STARRY NIGHT	DR	3080	1
2355811200	TRAIL RIDGE	DR	21515	1	2355913100	STARRY NIGHT	DR	3011	1
2355810200	TRAIL RIDGE	DR	21530	1	2355911000	FLEDGLING	DR	2905	1
2355811600	HARMONY VILLAGE	DR	21520	1	2355914100	STARRY NIGHT	DR	3071	1
2355821600	TRAIL RIDGE	DR	21469	1	2355721000	COUNTRY CLUB	DR	0	0
2355820500	TRAIL RIDGE	DR	21456	1	2355604000	OVERLOOK POINT	DR	0	0
2355820800	TRAIL RIDGE	DR	21438	1	2355603700	OVERLOOK POINT	DR	0	0
2355821000	TRAIL RIDGE	DR	21426	1	2355604100	OVERLOOK POINT	DR	0	0
2355823700	HARMONY VILLAGE	DR	21438	1	2355613700	OVERLOOK POINT	DR	0	0
2355821400	TRAIL RIDGE	DR	21481	1	2355602500	OVERLOOK POINT	DR	2718	1
2355900400	AMBLE	DR	21762	1	2355611600	OVERLOOK POINT	DR	2637	1
2355902700	DEER GRASS	DR	21872	1	2355613600	HARMONY GROVE VILLAGE	PKWY	0	0
2355901400	DEER GRASS	DR	21869	1	2355705300	CALIFORNIA POPPY	ST	2823	1
2355904400	LONG TROT	DR	0	0	2355701900	RIDING TRAIL	DR	21433	1
2355900700	AMBLE	DR	21750	1	2355701500	RIDING TRAIL	DR	21457	1
2355911800	FLEDGLING	DR	2914	1	2355711400	TRAIL RIDGE	DR	21677	1
2355912500	STARRY NIGHT	DR	3074	1	2355711300	TRAIL RIDGE	DR	21671	1
2355911600	FLEDGLING	DR	2930	1	2355705100	CALIFORNIA POPPY	ST	2839	1
2355914603	STARRY NIGHT	DR	3024	1	2355720200	CALIFORNIA POPPY	ST	2806	1
2355914604	STARRY NIGHT	DR	3030	1	2355703400	CALIFORNIA POPPY	ST	2893	1
2355914606	STARRY NIGHT	DR	3042	1	2355710900	TRAIL RIDGE	DR	21647	1
2355914608	LONG TROT	DR	21620	1	2355711600	TRAIL RIDGE	DR	21689	1
2355914605	STARRY NIGHT	DR	3036	1	2355720100	HARMONY GROVE	RD	2886	0
2355914607	STARRY NIGHT	DR	3048	1	2355803800	BEL	LN	0	0
2355914602	STARRY NIGHT	DR	3018	1	2355800800	TRAIL RIDGE	DR	21566	1
2355915000	LONG TROT	DR	0	0	2355801500	TRAIL RIDGE	DR	21594	1
2355914601	STARRY NIGHT	DR	3012	1	2355802500	HARMONY VILLAGE	DR	21542	1
2355913900	STARRY NIGHT	DR	3059	1	2355802900	HARMONY VILLAGE	DR	21558	1
2355913800	STARRY NIGHT	DR	3053	1	2355802100	TRAIL RIDGE	DR	21553	1
2355914900	LONG TROT	DR	0	0	2355810900	TRAIL RIDGE	DR	21502	1
2355803900	BEL	LN	0	0	2355812000	HARMONY VILLAGE	DR	21504	1

APN	Street	Suffix	#	Units	APN	Street	Suffix	#	Units
2355802200	TRAIL RIDGE	DR	21549	1	2355811000	TRAIL RIDGE	DR	21523	1
2355803700	TRAIL RIDGE	DR	0	0	2355823000	HARMONY VILLAGE	DR	21480	1
2355801300	TRAIL RIDGE	DR	21586	1	2355821900	TRAIL RIDGE	DR	21451	1
2355802400	TRAIL RIDGE	DR	21541	1	2355820700	TRAIL RIDGE	DR	21444	1
2355800600	TRAIL RIDGE	DR	21558	1	2355824800	ELDENBERRY	ST	2917	1
2355810400	TRAIL RIDGE	DR	21522	1	2355822900	HARMONY VILLAGE	DR	21486	1
2355825200	TRAIL RIDGE	DR	0	0	2355821100	TRAIL RIDGE	DR	21420	1
2355820600	TRAIL RIDGE	DR	21450	1	2355825100	TRAIL RIDGE	DR	0	0
2355821700	TRAIL RIDGE	DR	21463	1	2355825000	ELDENBERRY	ST	2905	1
2355822600	TRAIL RIDGE	DR	21409	1	2355901800	DEER GRASS	DR	21853	1
2355822400	TRAIL RIDGE	DR	21421	1	2355902300	DEER GRASS	DR	21833	1
2355822300	TRAIL RIDGE	DR	21427	1	2355903200	DEER GRASS	DR	21852	1
2355822200	TRAIL RIDGE	DR	21433	1	2355903400	DEER GRASS	DR	21844	1
2355902800	DEER GRASS	DR	21868	1	2355902600	DEER GRASS	DR	21821	1
2355901100	AMBLE	DR	21734	1	2355910200	FLEDGLING	DR	2969	1
2355903600	DEER GRASS	DR	21836	1	2355911300	FLEDGLING	DR	2954	1
2355901600	DEER GRASS	DR	21861	1	2355913300	STARRY NIGHT	DR	3023	1
2355904000	AMBLE	DR	21741	1	2355913000	STARRY NIGHT	DR	3005	1
2355900600	AMBLE	DR	21754	1	2355912900	STARRY NIGHT	DR	3098	1
2355901900	DEER GRASS	DR	21849	1	2355914800	LONG TROT	DR	0	0
2355913200	STARRY NIGHT	DR	3017	1	2356032000	HEIRLOOM	PL	0	0
2355914400	STARRY NIGHT	DR	3089	1	2356001100	WILGEN	RD	21577	1
2355913500	STARRY NIGHT	DR	3035	1	2356001600	WILGEN	RD	21509	1
2355910600	FLEDGLING	DR	2937	1	2356030600	HEIRLOOM	PL	3072	1
2355803500	SADDLE BRED	LN	21530	1	2356032200	WILGEN	RD	0	0
2355801700	TRAIL RIDGE	DR	21569	1	2356030800	HEIRLOOM	PL	3080	1
2355800400	TRAIL RIDGE	DR	21550	1	2356001700	WILGEN	RD	21485	1
2355801600	TRAIL RIDGE	DR	21573	1	2356010600	GAIT	WAY	2944	1
2355803300	HARMONY VILLAGE	DR	21574	1	2356000900	WILGEN	RD	21591	1
2355801200	TRAIL RIDGE	DR	21582	1	2356010500	GAIT	WAY	2940	1
2355811900	HARMONY VILLAGE	DR	21508	1	2356000300	STARRY NIGHT	DR	2945	1
2355811500	TRAIL RIDGE	DR	21503	1	2356020700	GAIT	WAY	2984	1
2355810700	TRAIL RIDGE	DR	21510	1	2356010400	GAIT	WAY	2936	1
2355822800	HARMONY VILLAGE	DR	21492	1	2356032400	BRESA DE LOMA	DR	21348	1
2355820900	TRAIL RIDGE	DR	21432	1	2356030500	HEIRLOOM	PL	3068	1
2355822100	TRAIL RIDGE	DR	21439	1	2356020600	GAIT	WAY	2980	1
2355821500	TRAIL RIDGE	DR	21475	1	2356021400	GAIT	WAY	0	0
2355824500	ELDENBERRY	ST	2935	1	2356011100	WILGEN	RD	0	0
2355824600	ELDENBERRY	ST	2929	1	2356010700	GAIT	WAY	2948	1
2355903800	AMBLE	DR	21755	1	2356000500	STARRY NIGHT	DR	2929	0
2355903500	DEER GRASS	DR	21840	1	2356102800	DEER GRASS	DR	21730	1
2355903300	DEER GRASS	DR	21848	1	2356102400	DEER GRASS	DR	21746	1
2355902200	DEER GRASS	DR	21837	1	2356102300	DEER GRASS	DR	21750	1
2355900500	AMBLE	DR	21758	1	2356101400	TRAIL BLAZER	LN	21659	1
2355904222	LONG TROT	DR	21708	1	2356103600	DEMLER	DR	2827	1
2355904219	LONG TROT	DR	21684	1	2356103000	DEER GRASS	DR	21722	1
2355904220	LONG TROT	DR	21690	1	2356112200	DEMLER	DR	2852	1
2355904224	LONG TROT	DR	21720	1	2356115100	QUILTERS	DR	2814	1
2355904218	LONG TROT	DR	21678	1	2356111700	TRAIL BLAZER	LN	21611	1
2355904223	LONG TROT	DR	21714	1	2356113700	SADDLE BRED	LN	21554	1
2355904217	LONG TROT	DR	21672	1	2356110100	SADDLE BRED	LN	21638	1
2355904700	LONG TROT	DR	0	0	2356112600	DEMLER	DR	2820	1
2355904221	LONG TROT	DR	21702	1	2356111200	TRAIL BLAZER	LN	21631	1
2355910300	FLEDGLING	DR	2961	1	2356110200	SADDLE BRED	LN	21634	1
2355914512	LONG TROT	DR	21644	1	2356115400	TRAIL RIDGE	DR	21638	1

APN	Street	Suffix	#	Units	APN	Street	Suffix	#	Units
2355914509	LONG TROT	DR	21626	1	2356104900	DEER GRASS	DR	21751	1
2355914510	LONG TROT	DR	21632	1	2356101900	DEER GRASS	DR	21766	1
2355914516	LONG TROT	DR	21668	1	2356105100	COUNTRY CLUB	DR	0	0
2355914515	LONG TROT	DR	21662	1	2356100800	SADDLE BRED	LN	21646	1
2355914511	LONG TROT	DR	21638	1	2356102200	DEER GRASS	DR	21754	1
2355915100	LONG TROT	DR	0	0	2356104100	DEMLER	DR	2867	1
2355914513	LONG TROT	DR	21650	1	2356114600	TRAIL BLAZER	LN	21553	1
2355914514	LONG TROT	DR	21656	1	2356116300	QUILTERS	DR	0	0
2355912400	STARRY NIGHT	DR	3068	1	2356112300	DEMLER	DR	2844	1
2355912000	STARRY NIGHT	DR	3044	1	2356115644	DEER GRASS	DR	21655	1
2355914300	STARRY NIGHT	DR	3083	1	2356115646	DEER GRASS	DR	21647	1
2355911700	FLEDGLING	DR	2922	1	2356115647	DEER GRASS	DR	21643	1
2355721100	COUNTRY CLUB	DR	0	0	2356115645	DEER GRASS	DR	21651	1
2355801400	TRAIL RIDGE	DR	21590	1	2356115642	DEER GRASS	DR	21663	1
2355800200	TRAIL RIDGE	DR	21542	1	2356115648	DEER GRASS	DR	21639	1
2355802300	TRAIL RIDGE	DR	21545	1	2356115643	DEER GRASS	DR	21659	1
2355801900	TRAIL RIDGE	DR	21561	1	2356115641	DEER GRASS	DR	21667	1
2355811100	TRAIL RIDGE	DR	21519	1	2356116500	DEER GRASS	DR	0	0
2355810100	TRAIL RIDGE	DR	21534	1	2356113500	SADDLE BRED	LN	21566	1
2355824200	HARMONY VILLAGE	DR	21408	1	2356114500	TRAIL BLAZER	LN	21559	1
2355822000	TRAIL RIDGE	DR	21445	1	2356112700	QUILTERS	DR	2813	1
2355824100	HARMONY VILLAGE	DR	21414	1	2356114200	TRAIL BLAZER	LN	21577	1
2355822500	TRAIL RIDGE	DR	21415	1	2356120600	COUNTRY CLUB	DR	0	0
2355820400	TRAIL RIDGE	DR	21462	1	2356222000	LONG TROT	DR	22005	1
2355820300	TRAIL RIDGE	DR	21468	1	2356230600	LONG TROT	DR	21918	1
2355902500	DEER GRASS	DR	21825	1	2356210100	PUREBRED	LN	22011	1
2355902000	DEER GRASS	DR	21845	1	2356211300	SIDE SADDLE	LN	2825	1
2355904500	LONG TROT	DR	0	0	2356232500	WILGEN	RD	0	0
2355900200	AMBLE	DR	21770	1	2356220400	LONG TROT	DR	22029	1
2355904100	AMBLE	DR	21735	1	2356221400	LONG TROT	DR	21929	1
2355903700	AMBLE	DR	21767	1	2356211000	PUREBRED	LN	21972	1
2355902100	DEER GRASS	DR	21841	1	2356232100	WILGEN	RD	0	0
2355914200	STARRY NIGHT	DR	3077	1	2356201400	LONG TROT	DR	22241	1
2355910800	FLEDGLING	DR	2921	1	2356213800	LONG TROT	DR	22159	1
2355912100	STARRY NIGHT	DR	3050	1	2356210900	PUREBRED	LN	21984	1
2355911400	FLEDGLING	DR	2946	1	2356242100	GALLOP	WAY	21952	1
2355911500	FLEDGLING	DR	2938	1	2356241600	LIVERY	PL	2834	1
2355912300	STARRY NIGHT	DR	3062	1	2356242000	GALLOP	WAY	21946	1
2355912700	STARRY NIGHT	DR	3086	1	2356242400	GALLOP	WAY	21988	0
2356032300	HEIRLOOM	PL	0	0	2356251300	GALLOP	WAY	0	0
2356020300	GAIT	WAY	2968	1	2356261400	HAYLOFT	PL	2950	1
2356001800	WILGEN	RD	21479	1	2356261000	HAYLOFT	PL	2926	1
2356020500	GAIT	WAY	2976	1	2356261600	HAYLOFT	PL	2962	1
2356020100	GAIT	WAY	2960	1	2356261500	HAYLOFT	PL	2958	1
2356021500	WILGEN	RD	0	0	2356273700	MIMULUS	PL	0	0
2356021300	GAIT	WAY	0	0	2356272200	MIMLUS	PL	3064	1
2356000700	STARRY NIGHT	DR	2913	1	2356273400	HAYLOFT	PL	0	0
2356000600	STARRY NIGHT	DR	2921	1	2356271000	STABLE	PL	2944	1
2356104300	DEMLER	DR	2883	1	2356201300	LONG TROT	DR	22253	1
2356104500	DEMLER	DR	2899	1	2356201000	PUREBRED	LN	22086	1
2356104400	DEMLER	DR	2891	1	2356231900	GALLOP	WAY	0	0
2356101600	TRAIL BLAZER	LN	21651	1	2356231000	LONG TROT	DR	21990	1
2356105300	DEER GRASS	DR	0	0	2356213100	LONG TROT	DR	22057	1
2356103400	DEMLER	DR	2811	1	2356210800	PUREBRED	LN	22010	1
2356103700	DEMLER	DR	2835	1	2356221500	LONG TROT	DR	21937	1

APN	Street	Suffix	#	Units	APN	Street	Suffix	#	Units
2356113000	QUILTERS	DR	2849	1	2356214600	LONG TROT	DR	22122	1
2356113400	SADDLE BRED	LN	21572	1	2356231800	LONG TROT	DR	0	0
2356111900	DEMLER	DR	2876	1	2356232600	WILGEN	RD	0	0
2356110800	SADDLE BRED	LN	21610	1	2356231200	LONG TROT	DR	22028	1
2356113100	QUILTERS	DR	2861	1	2356214500	LONG TROT	DR	22134	1
2356113900	SADDLE BRED	LN	21542	1	2356231500	GALLOP	WAY	21847	1
2356116600	DEER GRASS	DR	0	0	2356231600	GALLOP	WAY	21821	1
2356115554	DEER GRASS	DR	21615	1	2356232000	STABLE	PL	0	0
2356115551	DEER GRASS	DR	21627	1	2356240200	GALLOP	WAY	21836	1
2356115549	DEER GRASS	DR	21635	1	2356241700	LIVERY	PL	2826	1
2356115553	DEER GRASS	DR	21619	1	2356250200	GALLOP	WAY	22042	1
2356115555	DEER GRASS	DR	21611	1	2356250700	GALLOP	WAY	22086	1
2356115556	DEER GRASS	DR	21607	1	2356262300	HAYLOFT	PL	2976	1
2356115550	DEER GRASS	DR	21631	1	2356261800	HAYLOFT	PL	2966	1
2356115552	DEER GRASS	DR	21623	1	2356260400	GALLOP	WAY	22065	1
2356115900	DEMLER	DR	2812	0	2356260100	GALLOP	WAY	22109	1
2356002100	STARRY NIGHT	DR	0	0	2356271600	MIMLUS	PL	3040	1
2356030300	HEIRLOOM	PL	3060	1	2356271100	STABLE	PL	2948	1
2356001900	WILGEN	RD	21473	1	2356271700	MIMLUS	PL	3044	1
2356011400	WILGEN	RD	0	0	2356271900	MIMLUS	PL	3052	1
2356011200	GAIT	WAY	0	0	2356011300	WILGEN	RD	0	0
2356001400	WILGEN	RD	21545	1	2356030700	HEIRLOOM	PL	3076	1
2356010300	GAIT	WAY	2932	1	2356031100	HEIRLOOM	PL	3090	1
2356030200	HEIRLOOM	PL	3056	1	2356001200	WILGEN	RD	21571	1
2356104700	DEER GRASS	DR	21743	1	2356030900	HEIRLOOM	PL	3010	1
2356103200	DEER GRASS	DR	21714	1	2356021200	WILGEN	RD	21325	1
2356101000	TRAIL BLAZER	LN	21675	1	2356011000	STARRY NIGHT	DR	2896	0
2356103500	DEMLER	DR	2819	1	2356000100	STARRY NIGHT	DR	2961	1
2356101200	TRAIL BLAZER	LN	21667	1	2356000800	STARRY NIGHT	DR	2905	1
2356105200	DEER GRASS	DR	0	0	2356100100	SADDLE BRED	LN	21674	1
2356112900	QUILTERS	DR	2837	1	2356103300	DEMLER	DR	2803	1
2356111300	TRAIL BLAZER	LN	21627	1	2356102600	DEER GRASS	DR	21738	1
2356114400	TRAIL BLAZER	LN	21565	1	2356105400	TRAIL BLAZER	LN	0	0
2356114700	QUILTERS	DR	2862	1	2356102900	DEER GRASS	DR	21726	1
2356110600	SADDLE BRED	LN	21618	1	2356104000	DEMLER	DR	2859	1
2356115300	TRAIL RIDGE	DR	21644	1	2356115700	DEER GRASS	DR	21671	1
2356112400	DEMLER	DR	2836	1	2356115000	QUILTERS	DR	2826	1
2356114900	QUILTERS	DR	2838	1	2356116000	COUNTRY CLUB	DR	0	0
2356114000	SADDLE BRED	LN	21536	1	2356115800	DEER GRASS	DR	21679	1
2356020900	ELDENBERRY	ST	2990	1	2356110400	SADDLE BRED	LN	21626	1
2356010200	GAIT	WAY	2928	1	2356115200	TRAIL RIDGE	DR	21650	1
2356021100	WILGEN	RD	21331	1	2356114100	TRAIL BLAZER	LN	21583	1
2356021000	ELDENBERRY	ST	2991	1	2356111800	TRAIL BLAZER	LN	21607	1
2356030100	HEIRLOOM	PL	3052	1	2356120400	COUNTRY CLUB	DR	0	0
2356020200	GAIT	WAY	2964	1	2356120100	DEER GRASS	DR	21755	1
2356031900	HEIRLOOM	PL	0	0	2350327200	HARMONY GROVE	RD	2512	0
2356000400	STARRY NIGHT	DR	2937	1	2356221000	LONG TROT	DR	21969	1
2356102700	DEER GRASS	DR	21734	1	2356212300	SIDE SADDLE	LN	2958	1
2356100500	SADDLE BRED	LN	21658	1	2356213500	LONG TROT	DR	22123	1
2356100400	SADDLE BRED	LN	21662	1	2356200800	WILGEN	RD	22080	1
2356101500	TRAIL BLAZER	LN	21655	1	2356232300	GALLOP	WAY	0	0
2356101300	TRAIL BLAZER	LN	21663	1	2356232400	STABLE	PL	0	0
2356102500	DEER GRASS	DR	21742	1	2356230100	LONG TROT	DR	22110	1
2356101800	TRAIL BLAZER	LN	21643	1	2356221200	LONG TROT	DR	21961	1
2356105000	COUNTRY CLUB	DR	0	0	2356220100	LONG TROT	DR	22045	1

APN	Street	Suffix	#	Units	APN	Street	Suffix	#	Units
2356113600	SADDLE BRED	LN	21560	1	2356213600	LONG TROT	DR	22135	1
2356110900	SADDLE BRED	LN	21606	1	2356212000	SIDE SADDLE	LN	2983	1
2356111100	TRAIL BLAZER	LN	21635	1	2356211600	SIDE SADDLE	LN	2935	1
2356111000	TRAIL BLAZER	LN	21639	1	2356201800	WILGEN	RD	21992	1
2356112100	DEMLER	DR	2860	1	2356213300	LONG TROT	DR	22077	1
2356116100	STARRY NIGHT	DR	0	0	2356211400	SIDE SADDLE	LN	2911	1
2356110500	SADDLE BRED	LN	21622	1	2356210300	SIDE SADDLE	LN	2813	1
2356120500	AMBLE	DR	0	0	2356241500	LIVERY	PL	2846	1
2356010100	GAIT	WAY	2924	1	2356240600	LIVERY	PL	2827	1
2356031200	HEIRLOOM	PL	3096	1	2356251200	WILGEN	RD	21651	1
2356001500	WILGEN	RD	21527	1	2356250800	GALLOP	WAY	22090	1
2356031000	HEIRLOOM	PL	3084	1	2356260900	HAYLOFT	PL	2922	1
2356031600	HEIRLOOM	PL	0	0	2356262100	HAYLOFT	PL	2972	1
2356001300	WILGEN	RD	21563	1	2356260700	HAYLOFT	PL	2914	1
2356031400	WILGEN	RD	0	0	2356263200	WILGEN	RD	0	0
2356001000	WILGEN	RD	21583	1	2356271200	STABLE	PL	2968	1
2356002060	STARRY NIGHT	DR	2936	1	2356273200	STABLE	PL	0	0
2356002062	STARRY NIGHT	DR	2920	1	2356270100	HAYLOFT	PL	2984	1
2356002057	STARRY NIGHT	DR	2960	1	2356272300	MIMLUS	PL	3068	1
2356002059	STARRY NIGHT	DR	2944	1	2356251800	GALLOP	WAY	22078	1
2356002061	STARRY NIGHT	DR	2928	1	2356222200	LONG TROT	DR	21993	1
2356002200	STARRY NIGHT	DR	0	0	2355601700	OVERLOOK POINT	DR	2733	1
2356002063	STARRY NIGHT	DR	2912	1	2355604300	OVERLOOK POINT	DR	0	0
2356002058	STARRY NIGHT	DR	2952	1	2355612000	OVERLOOK POINT	DR	2621	1
2356002064	STARRY NIGHT	DR	2904	1	2355612900	OVERLOOK POINT	DR	2670	1
2356000200	STARRY NIGHT	DR	2953	1	2355600700	OVERLOOK POINT	DR	2773	1
2356104638	DEER GRASS	DR	21719	1	2355603100	OVERLOOK POINT	DR	2742	1
2356104639	DEER GRASS	DR	21715	1	2355603400	OVERLOOK POINT	DR	2754	1
2356104640	DEER GRASS	DR	21711	1	2355602900	OVERLOOK POINT	DR	2734	1
2356105500	DEER GRASS	DR	0	0	2355602700	OVERLOOK POINT	DR	2726	1
2356104633	DEER GRASS	DR	21739	1	2355610300	OVERLOOK POINT	DR	2689	1
2356104635	DEER GRASS	DR	21731	1	2355601000	OVERLOOK POINT	DR	2761	1
2356104634	DEER GRASS	DR	21735	1	2355614200	OVERLOOK POINT	DR	0	0
2356104636	DEER GRASS	DR	21727	1	2355602300	OVERLOOK POINT	DR	2709	1
2356104637	DEER GRASS	DR	21723	1	2355600300	OVERLOOK POINT	DR	2789	1
2356103100	DEER GRASS	DR	21718	1	2355602200	OVERLOOK POINT	DR	2713	1
2356104800	DEER GRASS	DR	21747	1	2355611000	OVERLOOK POINT	DR	2661	1
2356102000	DEER GRASS	DR	21762	1	2355613400	OVERLOOK POINT	DR	2690	1
2356103800	DEMLER	DR	2843	1	2355610700	OVERLOOK POINT	DR	2673	1
2356100700	SADDLE BRED	LN	21650	1	2355612600	OVERLOOK POINT	DR	2644	1
2356103900	DEMLER	DR	2851	1	2355611100	OVERLOOK POINT	DR	2657	1
2356112800	QUILTERS	DR	2825	1	2355602600	OVERLOOK POINT	DR	2722	1
2356111500	TRAIL BLAZER	LN	21619	1	2355602800	OVERLOOK POINT	DR	2730	1
2356114300	TRAIL BLAZER	LN	21571	1	2355602000	OVERLOOK POINT	DR	2721	1
2356114800	QUILTERS	DR	2850	1	2355613000	OVERLOOK POINT	DR	2674	1
2356110300	SADDLE BRED	LN	21630	1	2355610600	OVERLOOK POINT	DR	2677	1
2356116200	SADDLE BRED	LN	0	0	2355613300	OVERLOOK POINT	DR	2686	1
2356113300	SADDLE BRED	LN	21578	1	2355614100	OVERLOOK POINT	DR	0	0
2356112500	DEMLER	DR	2828	1	2355600600	OVERLOOK POINT	DR	2777	1
2356120300	COUNTRY CLUB	DR	0	0	2355600200	OVERLOOK POINT	DR	2793	1
2356232200	LONG TROT	DR	0	0	2355601500	OVERLOOK POINT	DR	2741	1
2356214300	LONG TROT	DR	22158	1	2355601100	OVERLOOK POINT	DR	2757	1
2356200600	PUREBRED	LN	22070	1	2355612100	OVERLOOK POINT	DR	2617	1
2356211200	PUREBRED	LN	21951	1	2355611900	OVERLOOK POINT	DR	2625	1
2356200200	LONG TROT	DR	22283	1	2355601900	OVERLOOK POINT	DR	2725	1

APN	Street	Suffix	#	Units	APN	Street	Suffix	#	Units
2356230300	LONG TROT	DR	22064	1	2355603000	OVERLOOK POINT	DR	2738	1
2356200500	PUREBRED	LN	22095	1	2355601400	OVERLOOK POINT	DR	2745	1
2356200300	LONG TROT	DR	22277	1	2355601800	OVERLOOK POINT	DR	2729	1
2356231100	LONG TROT	DR	22004	1	2355612200	OVERLOOK POINT	DR	2613	1
2356221600	LONG TROT	DR	21921	1	2355611800	OVERLOOK POINT	DR	2629	1
2356222100	LONG TROT	DR	21985	1	2355614000	OVERLOOK POINT	DR	0	0
2356201200	LONG TROT	DR	22265	1	2355603200	OVERLOOK POINT	DR	2746	1
2356211800	SIDE SADDLE	LN	2959	1	2355620600	HARMONY GROVE VILLAGE	PKWY	0	0
2356240800	LIVERY	PL	2851	1	2355610500	OVERLOOK POINT	DR	2681	1
2356241300	LIVERY	PL	2872	1	2355614400	OVERLOOK POINT	DR	0	0
2356240100	GALLOP	WAY	21820	1	2355610100	OVERLOOK POINT	DR	2697	1
2356242300	GALLOP	WAY	21976	1	2355702800	TRAIL BLAZER	LN	21440	1
2356250300	GALLOP	WAY	22054	1	2355704700	FISHERS	PL	2830	1
2356251000	WILGEN	RD	21671	1	2355700500	TRAIL BLAZER	LN	21479	1
2356261700	HAYLOFT	PL	2964	1	2355701600	RIDING TRAIL	DR	21451	1
2356261300	HAYLOFT	PL	2938	1	2355700300	TRAIL BLAZER	LN	21467	1
2356260800	HAYLOFT	PL	2918	1	2355703000	TRAIL BLAZER	LN	21428	1
2356263100	HAYLOFT	PL	0	0	2355710100	TRAIL BLAZER	LN	21511	1
2356272700	HAYLOFT	PL	0	0	2355710500	TRAIL BLAZER	LN	21535	1
2356273000	MIMLUS	PL	0	0	2355705500	CALIFORNIA POPPY	ST	2807	1
2356272500	STABLE	PL	0	0	2355704400	FISHERS	PL	2854	1
2356270700	STABLE	PL	2932	1	2355802800	HARMONY VILLAGE	DR	21554	1
2356211500	SIDE SADDLE	LN	2923	1	2355803400	SADDLE BRED	LN	21524	1
2356210700	PUREBRED	LN	22022	1	2355802700	HARMONY VILLAGE	DR	21550	1
2356230700	LONG TROT	DR	21926	1	2355803200	HARMONY VILLAGE	DR	21570	1
2356230200	LONG TROT	DR	22076	1	2355810600	TRAIL RIDGE	DR	21514	1
2356221300	LONG TROT	DR	21945	1	2355812200	STARRY NIGHT	DR	0	0
2356200400	PUREBRED	LN	22087	1	2355821200	TRAIL RIDGE	DR	21414	1
2356200100	LONG TROT	DR	22289	1	2355824000	HARMONY VILLAGE	DR	21420	1
2356214200	LONG TROT	DR	22170	1	2355823500	HARMONY VILLAGE	DR	21450	1
2356211100	PUREBRED	LN	21960	1	2355824700	ELDENBERRY	ST	2923	1
2356201700	WILGEN	RD	21980	1	2355823800	HARMONY VILLAGE	DR	21432	1
2356201900	WILGEN	RD	0	0	2355823100	HARMONY VILLAGE	DR	21474	1
2356214400	LONG TROT	DR	22146	1	2355821300	TRAIL RIDGE	DR	21408	1
2356231700	LONG TROT	DR	0	0	2355901300	DEER GRASS	DR	21873	1
2356231400	GALLOP	WAY	21829	1	2355901700	DEER GRASS	DR	21857	1
2356242200	GALLOP	WAY	21964	1	2355900900	AMBLE	DR	21742	1
2356241400	LIVERY	PL	2850	1	2355900300	AMBLE	DR	21766	1
2356251400	WILGEN	RD	0	0	2355901000	AMBLE	DR	21738	1
2356250900	GALLOP	WAY	22096	1	2355900800	AMBLE	DR	21746	1
2356261200	HAYLOFT	PL	2934	1	2355913700	STARRY NIGHT	DR	3047	1
2356262700	HAYLOFT	PL	0	0	2355910700	FLEDGLING	DR	2929	1
2356260200	GALLOP	WAY	22097	1	2355912200	STARRY NIGHT	DR	3056	1
2356260600	HAYLOFT	PL	2910	1	2355911900	FLEDGLING	DR	2906	1
2356262200	HAYLOFT	PL	2974	1	2355913400	STARRY NIGHT	DR	3029	1
2356271800	MIMLUS	PL	3048	1	2355913600	STARRY NIGHT	DR	3041	1
2356270600	STABLE	PL	2928	1	2356020400	GAIT	WAY	2972	1
2356272600	GALLOP	WAY	0	0	2356010800	GAIT	WAY	2952	1
2356273600	MIMLUS	PL	3090	1	2356020800	GAIT	WAY	2988	1
2356212800	SIDE SADDLE	LN	2826	1	2356010900	GAIT	WAY	0	0
2356220900	LONG TROT	DR	21977	1	2356030400	HEIRLOOM	PL	3064	1
2356200900	PUREBRED	LN	22078	1	2356031500	WILGEN	RD	0	0
2356210200	PUREBRED	LN	21973	1	2356031800	HEIRLOOM	PL	0	0
2356220200	LONG TROT	DR	22037	1	2356031700	HEIRLOOM	PL	0	0
2356213200	LONG TROT	DR	22065	1	2356102100	DEER GRASS	DR	21758	1

APN	Street	Suffix	#	Units	APN	Street	Suffix	#	Units
2356212200	SIDE SADDLE	LN	2970	1	2356100300	SADDLE BRED	LN	21666	1
2356212500	SIDE SADDLE	LN	2934	1	2356101100	TRAIL BLAZER	LN	21671	1
2356221800	LONG TROT	DR	21905	1	2356100200	SADDLE BRED	LN	21670	1
2356221100	LONG TROT	DR	21953	1	2356104200	DEMLER	DR	2875	1
2356213400	LONG TROT	DR	22111	1	2356101700	TRAIL BLAZER	LN	21647	1
2356212400	SIDE SADDLE	LN	2946	1	2356100900	SADDLE BRED	LN	21642	1
2356241800	GALLOP	WAY	21920	1	2356100600	SADDLE BRED	LN	21654	1
2356241100	LIVERY	PL	2892	1	2356116400	QUILTERS	DR	0	0
2356242600	GALLOP	WAY	22018	1	2356110700	SADDLE BRED	LN	21614	1
2356240400	GALLOP	WAY	21860	1	2356113200	QUILTERS	DR	2873	1
2356240500	GALLOP	WAY	21872	1	2356111400	TRAIL BLAZER	LN	21623	1
2356251500	WILGEN	RD	0	0	2356112000	DEMLER	DR	2868	1
2356251100	WILGEN	RD	21659	1	2356113800	SADDLE BRED	LN	21548	1
2356262800	GALLOP	WAY	0	0	2356111600	TRAIL BLAZER	LN	21615	1
2356260300	GALLOP	WAY	22089	1	2356120226	DEER GRASS	DR	21783	1
2356270300	HAYLOFT	PL	2991	1	2356120225	DEER GRASS	DR	21787	1
2356270900	STABLE	PL	2940	1	2356120228	DEER GRASS	DR	21775	1
2356270800	STABLE	PL	2936	1	2356120900	DEER GRASS	DR	0	0
2356271300	STABLE	PL	2976	1	2356120227	DEER GRASS	DR	21779	1
2356270400	STABLE	PL	2920	1	2356120230	DEER GRASS	DR	21767	1
2356271400	STABLE	PL	2982	1	2356120232	DEER GRASS	DR	21759	1
2356214100	LONG TROT	DR	22182	1	2356120229	DEER GRASS	DR	21771	1
2356230400	LONG TROT	DR	22056	1	2356120231	DEER GRASS	DR	21763	1
2356200700	PUREBRED	LN	22058	1	2356230900	LONG TROT	DR	21968	1
2356214000	LONG TROT	DR	22183	1	2356213700	LONG TROT	DR	22147	1
2356230800	LONG TROT	DR	21960	1	2356212900	SIDE SADDLE	LN	2814	1
2356231300	LONG TROT	DR	22044	1	2356210400	SIDE SADDLE	LN	2801	1
2356210600	PUREBRED	LN	22034	1	2356201100	PUREBRED	LN	22094	1
2356213900	LONG TROT	DR	22171	1	2356210500	PUREBRED	LN	22046	1
2356211700	SIDE SADDLE	LN	2947	1	2356212700	SIDE SADDLE	LN	2910	1
2356230500	LONG TROT	DR	21910	1	2356213000	SIDE SADDLE	LN	2802	1
2356211900	SIDE SADDLE	LN	2971	1	2356212100	SIDE SADDLE	LN	2982	1
2356201600	WILGEN	RD	21986	1	2356220300	LONG TROT	DR	22021	1
2356201500	LONG TROT	DR	22229	1	2356212600	SIDE SADDLE	LN	2922	1
2356241200	LIVERY	PL	2880	1	2356221900	LONG TROT	DR	0	0
2356240300	GALLOP	WAY	21848	1	2356221700	LONG TROT	DR	21913	1
2356241000	LIVERY	PL	2891	1	2356220500	LONG TROT	DR	22013	1
2356251900	GALLOP	WAY	22082	1	2356241900	GALLOP	WAY	21928	1
2356251600	WILGEN	RD	0	0	2356242500	GALLOP	WAY	22006	1
2356262900	WILGEN	RD	0	0	2356240900	LIVERY	PL	2873	1
2356262500	GALLOP	WAY	0	0	2356240700	LIVERY	PL	2839	1
2356261900	HAYLOFT	PL	2968	1	2356250400	GALLOP	WAY	22066	1
2356261100	HAYLOFT	PL	2930	1	2356250100	GALLOP	WAY	22030	1
2356262600	HAYLOFT	PL	0	0	2356262000	HAYLOFT	PL	2970	1
2356272000	MIMLUS	PL	3056	1	2356262400	HAYLOFT	PL	0	0
2356272100	MIMLUS	PL	3060	1	2356263000	HAYLOFT	PL	0	0
2356272800	WILGEN	RD	0	0	2356260500	GALLOP	WAY	22029	1
2356270500	STABLE	PL	2924	1	2356271500	STABLE	PL	2990	1
2356270200	HAYLOFT	PL	2990	1	2356273500	WILEGEN	RD	0	0
2355612400	OVERLOOK POINT	DR	2605	1	2356272900	WILGEN	RD	0	0
2355600800	OVERLOOK POINT	DR	2769	1	2356273100	MIMLUS	PL	0	0
2355610900	OVERLOOK POINT	DR	2665	1	2355600100	OVERLOOK POINT	DR	2797	1
2355612800	OVERLOOK POINT	DR	2666	1	2355611500	OVERLOOK POINT	DR	2641	1
2355612700	OVERLOOK POINT	DR	2648	1	2355611400	OVERLOOK POINT	DR	2645	1
2355600500	OVERLOOK POINT	DR	2781	1	2355610200	OVERLOOK POINT	DR	2693	1



Attachment B
Job Accessibility Analysis – Job and Distance Information

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730203121016	3	323.6018608	0.009270651	60730174071000	233	15391.46167	0.015138263
60730203131065	15	692.0097968	0.021675994	60730170542002	4	15393.5794	0.000259849
60730203112011	2	774.5071206	0.002582287	60730176011009	48	15397.26697	0.003117436
60730203112015	15	797.1086717	0.018818011	60730197021002	394	15397.39341	0.025588747
60730203112013	3	995.8776651	0.003012418	60730196012000	455	15399.29073	0.029546815
60730203112014	2	1101.323584	0.001815997	60730083663002	2	15405.86941	0.000129821
60730203121009	3	1241.112217	0.002417187	60730083371005	38	15409.62598	0.002465991
60730203121015	1	1421.297183	0.000703583	60730178082002	9	15411.03123	0.000583997
60730203121005	3	1444.11188	0.002077401	60730170363009	11	15413.42448	0.000713664
60730203112000	2	1444.540682	0.001384523	60730195032010	86	15413.80501	0.005579414
60730203121004	1	1455.605957	0.000686999	60730195032003	42	15426.33925	0.002722616
60730203121006	1	1468.843062	0.000680808	60730197022004	320	15427.496	0.020742187
60730203121012	1	1543.175858	0.000648014	60730176031005	5	15431.96097	0.000324003
60730203121003	12	1628.533531	0.007368593	60730221012005	3	15441.33819	0.000194284
60730203121007	17	1707.513405	0.009955998	60730083281017	24	15443.9113	0.00155401
60730203121013	1	1756.272537	0.000569388	60730170392000	135	15446.54752	0.008739817
60730203121011	2	1774.821859	0.001126874	60730170501009	3	15449.12608	0.000194186
60730203122002	14	1888.555517	0.007413073	60730173062008	9	15449.24743	0.000582553
60730203131059	13	1891.930818	0.006871287	60730173051015	1	15455.59067	6.47015E-05
60730203121010	2	1909.183141	0.001047568	60730215021021	1	15456.47543	6.46978E-05
60730203131071	1062	1987.746116	0.534273463	60730083671004	171	15456.58638	0.011063245
60730203111031	1	2031.067134	0.000492352	60730083663003	1	15456.82798	6.46963E-05
60730203131070	102	2086.006769	0.048897253	60730195032001	12	15459.81088	0.000776206
60730204043007	2	2093.295528	0.000955431	60730192081004	11	15462.4409	0.000711401
60730203121000	10	2129.317739	0.00469634	60730170362004	1	15463.94169	6.46666E-05
60730203131061	6	2190.202232	0.002739473	60730170542001	1	15464.22207	6.46654E-05
60730203111018	10	2215.439014	0.004513778	60730221011007	1	15464.22647	6.46654E-05
60730203131060	6	2263.052835	0.002651286	60730170542003	13	15466.11989	0.000840547
60730204043009	1	2278.953672	0.000438798	60730178112000	18	15466.4038	0.001163813
60730204012006	1	2286.30919	0.000437386	60730176011019	54	15467.24072	0.00349125
60730203111030	1	2290.436669	0.000436598	60730170401005	2	15471.74007	0.000129268
60730204012029	5	2295.233808	0.002178427	60730198091007	8	15472.03233	0.000517062
60730203122001	18	2313.758568	0.00777955	60730195022010	64	15483.13838	0.004133529
60730203112006	1	2365.673925	0.000422713	60730195032002	13	15485.06303	0.000839519
60730203112021	5	2384.437824	0.00209693	60730175011004	1	15488.36884	6.45646E-05
60730203131047	2654	2408.221735	1.102057988	60730178082012	1	15489.29191	6.45607E-05
60730203122004	3	2428.683559	0.001235237	60730192092014	1	15490.45104	6.45559E-05
60730203131062	4	2525.991506	0.001583537	60730176011017	8	15492.05101	0.000516394
60730203111029	8	2547.58108	0.003140234	60730176031004	10	15492.38154	0.000645479
60730204012032	3	2549.087155	0.001176892	60730174071001	1	15492.40998	6.45477E-05
60730203132003	2	2563.871638	0.00078007	60730207112023	6	15492.98135	0.000387272
60730203122000	8	2593.447026	0.003084698	60730176011010	8	15496.23802	0.000516254
60730203132000	847	2624.778267	0.322693925	60730195031010	111	15498.29513	0.007162078
60730203131056	13	2630.251513	0.004942493	60730192101007	55	15502.69984	0.003547769
60730204041005	139	2661.504376	0.052226102	60730195033003	246	15503.57434	0.015867309
60730204043000	94	2696.264151	0.034863053	60730083663004	1	15516.47798	6.44476E-05
60730203131022	3557	2717.476577	1.308934925	60730178082004	4	15519.38324	0.000257742
60730203131055	3	2730.066429	0.001098874	60730083663001	20	15521.41043	0.001288543
60730204043011	4	2743.705053	0.001457883	60730173062005	3	15524.32511	0.000193245
60730203131023	293	2765.675274	0.105941577	60730197011003	211	15525.37149	0.013590657
60730204041003	12	2805.399342	0.004277466	60730170401003	3	15526.08283	0.000193223
60730203132005	287	2821.315203	0.101725606	60730195022008	23	15526.24117	0.001481363
60730203132001	116	2847.848231	0.040732508	60730083371003	4	15528.28292	0.000257594

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730203111016	6	2948.772054	0.002034745	60730170361000	51	15534.11725	0.003283096
60730204012056	6	2964.765892	0.002023769	60730195031007	188	15534.95698	0.012101739
60730204043002	2	2972.892445	0.000672745	60730173053002	4	15536.90704	0.000257451
60730204041001	1	3028.498935	0.000330197	60730175013001	5	15537.33268	0.000321806
60730203131030	23	3048.046881	0.007545816	60730083682008	5	15537.69049	0.000321798
60730204041004	27	3110.215299	0.008681071	60730173053001	11	15537.81745	0.00070795
60730203131052	7	3124.498826	0.002240359	60730173051011	4	15542.63599	0.000257357
60730203111024	18	3135.123588	0.0057414	60730201103042	1	15547.00929	6.43211E-05
60730203132002	494	3138.665734	0.157391721	60730170401004	1	15549.91541	6.4309E-05
60730204051012	1	3202.184375	0.000312287	60730170394003	3160	15550.36111	0.203210715
60730204012059	3	3209.676079	0.000934674	60730083682007	5	15550.86661	0.000321525
60730204012037	7	3222.132214	0.002172474	60730083281018	12	15552.44046	0.000771583
60730204012000	32	3224.665876	0.009923509	60730170391002	7	15553.80853	0.000450051
60730203131031	61	3225.533582	0.0189116	60730083282022	16	15556.63213	0.0010285
60730203131032	63	3233.898045	0.019481134	60730196011004	52	15559.45785	0.003342019
60730204041000	32	3254.582886	0.009832289	60730083281009	10	15561.47854	0.000642612
60730203131029	1060	3276.005198	0.32356481	60730170211008	11	15563.75328	0.00070677
60730203102005	22	3279.243244	0.006708865	60730198112020	1	15565.88752	6.4243E-05
60730203111010	1248	3335.769058	0.374126619	60730170502004	1	15566.55203	6.42403E-05
60730204051014	2	3341.611962	0.000598514	60730195023001	2	15566.97307	0.000128477
60730205001007	56	3351.279085	0.016710038	60730197012001	3	15567.80649	0.000192705
60730203131064	169	3354.347011	0.050382384	60730221023009	5	15573.01449	0.000321068
60730204043003	10	3376.525056	0.002961625	60730083682006	2	15574.74507	0.000128413
60730203131026	173	3400.873802	0.05086928	60730175011003	7	15575.86997	0.000449413
60730203131027	633	3403.180802	0.18600246	60730198091002	6	15576.59977	0.000385193
60730203112027	2	3408.90575	0.000586699	60730195022006	40	15580.37982	0.002567332
60730204042003	70	3418.10015	0.020479213	60730176031006	18	15585.29233	0.001154935
60730204051008	14	3419.710266	0.004093914	60730083371008	2	15585.36127	0.000128326
60730203102001	16	3431.192912	0.004663101	60730196011007	95	15589.80138	0.006093727
60730203111027	558	3443.968106	0.162022406	60730174071003	6	15589.92951	0.000384864
60730203102000	1	3445.787878	0.000290209	60730170362002	2	15593.12636	0.000128262
60730203131063	9	3471.513643	0.002592529	60730174071026	3	15600.45403	0.000192302
60730203131020	641	3484.544169	0.183955194	60730173053004	7	15601.78827	0.000448667
60730204012011	2	3504.521928	0.000570691	60730195022007	85	15605.0514	0.005446954
60730203131021	10	3514.026401	0.002845738	60730170361001	175	15605.28776	0.011214148
60730203131050	214	3518.779531	0.060816541	60730083281021	5	15609.53998	0.000320317
60730204051006	5	3542.585455	0.001411399	60730174081001	2	15611.56945	0.00012811
60730204042004	8	3571.014804	0.00224026	60730173061000	77	15615.71157	0.004930931
60730205001006	699	3580.574908	0.195220047	60730196011006	148	15621.8933	0.009473884
60730203131025	102	3596.396493	0.028361723	60730175013002	2	15624.20155	0.000128007
60730203131028	586	3609.022652	0.162370829	60730191053003	2	15637.86996	0.000127895
60730203131024	368	3633.885591	0.101269011	60730083663010	3	15640.40695	0.000191811
60730203131015	71	3662.654467	0.019384848	60730177011012	45	15645.22768	0.002876276
60730203101016	29	3670.4071	0.007901031	60730175013000	2091	15648.72725	0.13362109
60730203103002	19	3694.580197	0.005142668	60730176031003	10	15656.21654	0.000638724
60730203131033	609	3712.44608	0.164042787	60730178115009	27	15656.43038	0.001724531
60730204051003	83	3713.429883	0.022351304	60730170543001	160	15656.99629	0.010219074
60730203103005	5	3740.187963	0.001336831	60730192063001	59	15662.24085	0.003767022
60730200431001	59	3754.145054	0.015715962	60730083663012	7	15663.32411	0.000446904
60730203111028	577	3756.245013	0.153610853	60730175011002	7	15666.04546	0.000446826
60730205001004	186	3763.890754	0.04941695	60730083373002	3	15666.43599	0.000191492
60730204012013	2	3770.433894	0.000530443	60730197012006	1	15667.19459	6.38276E-05
60730203131019	53	3772.117468	0.014050464	60730175011000	12	15667.82949	0.000765901

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730203101025	13	3790.209575	0.003429889	60730174072000	24	15668.15987	0.001531769
60730204051010	6	3794.536214	0.001581221	60730192102001	4	15671.35809	0.000255243
60730203111003	59	3808.491923	0.015491696	60730176011018	13	15673.55945	0.000829422
60730203101028	5	3822.794528	0.001307944	60730176011007	10	15676.07644	0.000637915
60730203131072	96	3825.138806	0.025097128	60730197011012	3	15677.83947	0.000191353
60730203131013	56	3825.652016	0.014638028	60730195031006	7	15682.16553	0.000446367
60730204051000	6	3830.331135	0.001566444	60730174071016	2	15691.62253	0.000127457
60730203101023	3	3854.194479	0.000778373	60730195021009	1	15694.74306	6.37156E-05
60730204012023	2	3863.202977	0.000517705	60730083371010	18	15694.97909	0.001146864
60730203111013	900	3864.895879	0.232865264	60730174071006	8	15699.4273	0.000509573
60730203111012	4	3868.638186	0.001033956	60730175013020	10	15699.806	0.000636951
60730205001000	1099	3879.089253	0.283313925	60730195023000	119	15701.01485	0.007579128
60730204012047	15	3889.89683	0.003856143	60730198112012	11	15702.59078	0.000700521
60730203131018	326	3921.802562	0.083125041	60730178115004	17	15707.86542	0.00108226
60730171121025	6	3934.519063	0.001524964	60730083663011	2	15709.29332	0.000127313
60730203101021	14	3946.311398	0.003547617	60730170391001	3	15710.07288	0.00019096
60730204031005	211	3954.347757	0.053358989	60730178115010	3	15711.10299	0.000190948
60730204051009	3	3970.708911	0.000755533	60730197011004	249	15715.61776	0.015844111
60730171121023	480	3971.335236	0.12086615	60730175013003	8	15716.69891	0.000509013
60730203131073	224	3974.704702	0.056356388	60730170543002	187	15718.68612	0.011896669
60730203103003	1	3980.794529	0.000251206	60730197011018	16	15722.453	0.001017653
60730204042007	239	3994.557422	0.059831409	60730170361004	4	15723.90867	0.00025439
60730200431004	22	3995.052913	0.005506811	60730170362000	6	15724.31615	0.000381575
60730203111000	40	4006.585829	0.009983562	60730198091004	5	15725.68711	0.000317951
60730203101018	1	4021.501123	0.000248663	60730170542004	18	15731.20876	0.001144222
60730203131006	89	4028.556609	0.02209228	60730170361005	9	15731.46084	0.000572102
60730203091025	271	4050.313709	0.066908398	60730195021008	2	15731.8607	0.000127131
60730205001003	71	4051.348456	0.017525029	60730221023003	26	15732.30651	0.00165265
60730203131037	179	4069.473989	0.043986029	60730192101009	8	15732.76122	0.000508493
60730203131012	9	4089.922037	0.002200531	60730083373000	10	15736.65856	0.000635459
60730203103004	3	4096.055194	0.000732412	60730170411002	28	15739.87771	0.001778921
60730203091024	246	4098.652588	0.060019725	60730215021016	145	15739.97824	0.009212211
60730203101020	9	4107.429286	0.002191152	60730178082009	7	15743.06184	0.00044464
60730200444001	2	4108.279881	0.000486822	60730174072004	10	15745.26984	0.000635111
60730204051005	26	4118.515371	0.006312954	60730192102002	8	15747.68513	0.000508011
60730203111002	104	4128.611824	0.025190065	60730192063005	87	15750.27472	0.005523713
60730203101017	21	4136.924853	0.005076234	60730174072005	2	15751.00995	0.000126976
60730204051011	7	4138.95831	0.001691247	60730192091018	40	15753.21303	0.002539165
60730203101026	2	4140.764211	0.000483003	60730170543004	7	15757.70897	0.000444227
60730171111013	1	4154.529508	0.000240701	60730197011005	8	15761.17822	0.000507576
60730204012002	2	4200.126986	0.000476176	60730170182001	129	15765.54481	0.0081824
60730200252012	192	4223.050579	0.045464764	60730178115011	28	15768.01936	0.001775746
60730203101015	1977	4237.468137	0.466552181	60730173053003	1	15770.44471	6.34098E-05
60730205001012	4	4237.907507	0.000943862	60730083281019	7	15770.66516	0.000443862
60730203091023	4	4243.78776	0.000942554	60730177021008	26	15775.04542	0.001648173
60730203091022	1	4272.329151	0.000234064	60730198091003	9	15778.48632	0.000570397
60730200431003	3	4278.378939	0.0007012	60730175011005	309	15781.8265	0.019579483
60730204042001	9	4284.809965	0.002100443	60730170393002	3	15782.0294	0.00019009
60730200253006	711	4301.720365	0.16528271	60730083663007	20	15783.48372	0.001267147
60730205001009	8	4303.592759	0.001858912	60730177021009	80	15785.28901	0.00506801
60730203091012	200	4319.375919	0.046302985	60730170393000	2	15787.07814	0.000126686
60730200253004	56	4349.192337	0.012875954	60730174072006	8	15789.60591	0.000506662
60730203131075	9	4354.386435	0.002066881	60730175013019	6	15792.13466	0.000379936

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730204052024	3	4354.39918	0.000688958	60730174071007	74	15794.3044	0.004685233
60730203131008	244	4361.694669	0.055941559	60730174082000	2	15797.46588	0.000126603
60730203103001	86	4367.325201	0.019691687	60730195021006	1	15798.30217	6.32979E-05
60730203131007	516	4371.006008	0.118050627	60730173051007	117	15800.54299	0.007404809
60730200431005	19	4374.668864	0.004343186	60730170203025	6	15806.74111	0.000379585
60730204031004	67	4386.801586	0.015273086	60730175013004	3	15809.57093	0.000189758
60730203091019	4	4391.47831	0.000910855	60730178115006	2	15810.87498	0.000126495
60730205002010	12	4397.644377	0.002728734	60730178082007	2	15811.92002	0.000126487
60730204052029	1	4399.633515	0.000227292	60730175011007	24	15819.44171	0.001517121
60730205002011	9	4412.109014	0.002039841	60730170393008	23	15821.86941	0.001453684
60730200441000	30	4429.457826	0.006772838	60730178112011	1	15822.93095	6.31994E-05
60730200444006	2	4436.472013	0.000450809	60730170361003	14	15829.01698	0.000884452
60730204052027	21	4441.721709	0.004727896	60730170372001	7	15829.92971	0.0004422
60730203131038	1069	4442.738428	0.240617362	60730174071017	2	15831.78237	0.000126328
60730203091020	3	4444.518795	0.000674989	60730198091005	13	15836.07316	0.000820911
60730204052001	99	4447.676241	0.022258814	60730170543003	4	15839.43446	0.000252534
60730205002012	9	4452.284748	0.002021434	60730178115007	6	15839.98182	0.000378788
60730200252009	108	4453.950173	0.024248138	60730192063000	196	15841.15987	0.012372831
60730205003012	38	4454.04226	0.008531576	60730174071011	11	15841.7651	0.000694367
60730204052012	11	4478.907849	0.002455956	60730195022004	7	15843.50268	0.000441821
60730204042000	4	4479.098924	0.000893037	60730174081000	55	15845.56686	0.003471002
60730200252013	221	4481.054126	0.049318753	60730177013005	20	15848.48051	0.001261951
60730203131004	66	4490.524991	0.014697613	60730083373008	2	15851.031	0.000126175
60730200253003	281	4502.131369	0.062414882	60730197011007	11	15854.32765	0.000693817
60730203091016	25	4527.593598	0.005521697	60730083373004	4	15855.43696	0.000252279
60730205003009	44	4532.943851	0.009706716	60730170543005	12	15855.45263	0.000756837
60730203092016	1	4542.106755	0.000220162	60730170212001	109	15855.84119	0.006874438
60730200253002	1	4550.144727	0.000219773	60730083373007	1	15857.32608	6.30623E-05
60730203091008	3	4554.77617	0.000658649	60730175013006	1	15862.55772	6.30415E-05
60730205003008	3	4569.222767	0.000656567	60730177011011	25	15864.5075	0.001575845
60730205002013	25	4574.978089	0.005464507	60730215021030	2	15866.73045	0.00012605
60730203131039	3	4622.465838	0.000649004	60730198102001	98	15868.10961	0.006175909
60730200431012	4	4637.340883	0.000862563	60730170182002	15	15870.89247	0.000945126
60730205002008	290	4638.141094	0.062525049	60730177013004	3	15872.71787	0.000189004
60730203131042	106	4639.389781	0.022847832	60730195021002	4	15881.09782	0.000251872
60730205002029	4	4648.027871	0.00086058	60730178112002	5	15882.26537	0.000314817
60730200252010	6	4648.227773	0.001290815	60730178082008	7	15882.70772	0.000440731
60730200441003	12	4657.961413	0.002576234	60730174082012	1	15883.05671	6.29602E-05
60730200431002	4	4663.168208	0.000857786	60730175013018	118	15883.80665	0.00742895
60730205002003	213	4674.021207	0.045571038	60730170532004	13	15886.37111	0.000818311
60730204052028	4	4689.816064	0.000852912	60730173062006	1	15886.82711	6.29452E-05
60730204012044	690	4691.345578	0.147079338	60730195021005	62	15887.18257	0.003902517
60730200252008	75	4695.638334	0.015972269	60730195031005	4	15888.46795	0.000251755
60730203131003	71	4703.0924	0.01509645	60730192103001	262	15892.59355	0.016485667
60730205003022	211	4705.199527	0.044844007	60730175012001	111	15895.38901	0.006983157
60730203092009	6	4707.590214	0.001274537	60730174072008	2	15900.70556	0.000125781
60730203101003	316	4713.083139	0.067047406	60730170402000	26	15903.2058	0.00163489
60730203101006	90	4724.651347	0.019049025	60730173061005	4	15903.35091	0.000251519
60730200262005	174	4725.745241	0.03681959	60730175013011	3	15904.14606	0.00018863
60730203131002	217	4726.337586	0.045912929	60730170401006	6	15904.82224	0.000377244
60730205002002	32	4730.533175	0.006764565	60730174072007	2	15905.05508	0.000125746
60730205003014	7	4732.849615	0.001479024	60730175012002	132	15906.30861	0.008298594
60730205002015	23	4733.892246	0.004858581	60730177023018	10	15907.48835	0.000628635

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730203101007	59	4740.064344	0.012447088	60730170361002	375	15910.83401	0.023568846
60730200253008	2	4740.735975	0.000421875	60730177021001	1	15915.65729	6.28312E-05
60730205002020	6	4748.965696	0.001263433	60730198093022	2	15916.25954	0.000125658
60730203101008	43	4759.049882	0.009035417	60730195021003	1	15918.75728	6.2819E-05
60730200231009	311	4760.350318	0.065331326	60730083373006	2	15922.49953	0.000125608
60730203101014	5	4766.513162	0.001048985	60730195012005	15	15923.83621	0.000941984
60730200431007	87	4771.609523	0.018232841	60730191052003	8	15929.0308	0.000502228
60730171121006	3	4794.724686	0.000625688	60730083373005	2	15935.0932	0.000125509
60730200253000	6	4794.96142	0.001251314	60730174072010	1	15936.02351	6.27509E-05
60730204052026	6	4799.02444	0.001250254	60730174072014	2	15938.00046	0.000125486
60730171121002	3	4801.211198	0.000624842	60730083281026	4	15940.13508	0.000250939
60730205002027	12	4802.854983	0.002498514	60730177023006	280	15940.45825	0.017565367
60730200253007	65	4807.065814	0.013521762	60730221011000	11	15941.45899	0.000690025
60730203131009	14	4810.906184	0.002910055	60730215021027	1	15941.75882	6.27283E-05
60730205002001	17	4822.477713	0.003525159	60730174072015	3	15942.70148	0.000188174
60730205003003	4	4829.010659	0.000828327	60730177021000	410	15947.6716	0.025709082
60730205002004	64	4835.251979	0.013236125	60730174082003	5	15949.86824	0.000313482
60730200431009	2	4836.689772	0.000413506	60730195031000	160	15951.27362	0.010030547
60730203131043	61	4837.0843	0.012610903	60730215021019	2	15953.05639	0.000125368
60730200431013	2	4838.801292	0.000413326	60730178081002	1	15953.9627	6.26804E-05
60730203101000	12	4839.472745	0.002479609	60730195021004	7	15956.24972	0.0004387
60730200252001	19	4844.331715	0.00392211	60730175013013	2	15968.91975	0.000125243
60730205002006	5	4853.433877	0.001030198	60730175013017	23	15975.46835	0.001439707
60730200251010	2	4855.925279	0.000411868	60730178115008	6	15975.50183	0.000375575
60730205003027	41	4861.753323	0.008433172	60730177013000	12	15976.16515	0.000751119
60730205002007	160	4862.262882	0.032906489	60730198112014	2	15976.55684	0.000125183
60730203101004	59	4866.055125	0.012124811	60730170393003	181	15976.79901	0.011328928
60730203131044	1	4866.398542	0.000205491	60730177023000	63	15977.17782	0.003943124
60730205002016	108	4869.882929	0.022177124	60730195031004	1	15979.43765	6.25804E-05
60730203131040	135	4869.892463	0.027721351	60730175012004	74	15980.2242	0.004630724
60730204032020	217	4880.728587	0.044460575	60730083373003	8	15987.82954	0.000500381
60730205002019	1	4890.79684	0.000204466	60730175013009	1	15990.21485	6.25382E-05
60730203101009	105	4891.625329	0.021465258	60730175013014	5	15994.54059	0.000312607
60730171121005	1	4891.76154	0.000204425	60730170402001	16	15995.83579	0.00100026
60730171121001	99	4900.273001	0.020202956	60730177023019	6	15996.60567	0.00037508
60730200442000	2	4904.107174	0.000407821	60730174082011	40	15998.30017	0.002500266
60730203101002	357	4912.725486	0.07266842	60730173062010	18	15999.11732	0.001125062
60730204031003	46	4916.649759	0.009355964	60730198093011	4	15999.31341	0.000250011
60730203131041	94	4917.7698	0.019114355	60730207101002	57	15999.38696	0.003562637
60730203131045	3	4919.194165	0.000609856	60730195022003	1	16001.61036	6.24937E-05
60730200444000	83	4931.230566	0.016831499	60730177013006	22	16002.69541	0.001374768
60730203101001	77	4936.535635	0.015597983	60730083281023	2	16003.33893	0.000124974
60730205002028	14	4937.485502	0.002835451	60730083281027	3	16006.45447	0.000187424
60730205003002	54	4950.453305	0.010908092	60730174082023	6	16009.94775	0.000374767
60730200243003	12	4964.426661	0.002417198	60730175012005	251	16012.56396	0.015675191
60730204052004	5	4980.370675	0.001003941	60730178115000	335	16014.60873	0.020918401
60730205003005	9	4981.922712	0.001806531	60730174072011	13	16014.85965	0.000811746
60730202143020	138	4983.674888	0.02769041	60730174072013	2	16017.37329	0.000124864
60730200251004	1	4993.788932	0.000200249	60730177023005	9	16018.33127	0.000561856
60730200431011	12	4996.675458	0.002401597	60730175012003	90	16019.12101	0.005618286
60730203082000	9	4997.77553	0.001800801	60730174072016	13	16021.62863	0.000811403
60730202143021	56	4998.636857	0.011203054	60730178112007	2	16022.98436	0.000124821
60730202143022	47	4999.908602	0.009400172	60730174071010	9	16023.67425	0.000561669

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730204032003	1	5005.765916	0.00019977	60730175012033	31	16024.46337	0.001934542
60730205003018	244	5008.840223	0.048713872	60730198114001	17	16024.88044	0.00106085
60730206012006	14	5010.714631	0.002794013	60730177013003	11	16025.64474	0.0006864
60730204032002	165	5011.415466	0.03292483	60730170182004	13	16025.7935	0.000811192
60730204052006	9	5012.017087	0.001795684	60730170211009	3	16030.37789	0.000187145
60730203131001	270	5020.846447	0.053775793	60730177023001	11	16030.48459	0.000686193
60730206012027	84	5033.21068	0.016689148	60730177012004	5	16031.00309	0.000311896
60730200442005	12	5033.691981	0.002383936	60730170182003	2	16032.08891	0.00012475
60730203101010	45	5036.835681	0.008934181	60730215021020	61	16034.75227	0.003804237
60730203092008	1	5037.477378	0.000198512	60730177022008	61	16034.77287	0.003804232
60730200431010	8	5046.490477	0.00158526	60730195022002	5	16036.40418	0.000311791
60730205003017	79	5047.381447	0.01565168	60730170502000	621	16037.35682	0.038722092
60730200431008	1	5049.317402	0.000198047	60730174071009	7	16041.7824	0.00043636
60730200251006	16	5058.625433	0.003162915	60730197011001	46	16042.44528	0.002867393
60730204032018	11	5070.577201	0.002169378	60730195021001	5	16042.53853	0.000311671
60730206013002	42	5081.367447	0.008265492	60730197011000	661	16045.04189	0.041196527
60730200442004	7	5088.488341	0.001375654	60730177011010	21	16045.70942	0.001308761
60730202143017	144	5094.456662	0.028266017	60730192062004	11	16049.21275	0.000685392
60730200262002	12	5096.447019	0.002354582	60730194062003	79	16050.22385	0.00492205
60730200242004	7	5116.10048	0.00136823	60730178131006	4	16055.6526	0.000249133
60730171121008	17	5118.717313	0.003321145	60730177023011	1	16056.46979	6.22802E-05
60730204031000	68	5120.351418	0.013280338	60730175012030	142	16057.67094	0.008843126
60730200251000	129	5121.437187	0.025188242	60730175012032	134	16061.6688	0.008342844
60730200251008	3	5127.06915	0.00058513	60730170395000	171	16062.88739	0.010645658
60730202143019	50	5132.848798	0.009741179	60730174082004	5	16067.01799	0.000311197
60730203082002	3	5135.767945	0.000584139	60730195012009	26	16067.1359	0.00161821
60730202143023	96	5136.004332	0.018691573	60730175012034	5	16068.47506	0.000311168
60730203131000	395	5136.593642	0.076899211	60730177021010	22	16068.8901	0.001369105
60730206012004	152	5141.497918	0.029563369	60730083273000	58	16071.40729	0.003608894
60730206012008	11	5144.981502	0.002138006	60730170374001	107	16073.04961	0.006657106
60730206012023	42	5154.057152	0.00814892	60730198093001	1	16075.45415	6.22066E-05
60730206013011	22	5156.530795	0.004266434	60730174082010	4	16076.20831	0.000248815
60730200243002	4	5158.34655	0.000775442	60730177012003	17	16080.5118	0.00105718
60730204032004	2	5163.48458	0.000387335	60730178081003	14	16082.01149	0.000870538
60730200251012	18	5164.222549	0.00348552	60730198114014	12	16086.94358	0.000745947
60730206012026	3	5182.031915	0.000578923	60730195012003	1	16088.21392	6.21573E-05
60730171121003	4	5187.228057	0.000771125	60730197011015	1	16091.04848	6.21464E-05
60730204032001	7	5187.843205	0.001349308	60730174072018	79	16094.8192	0.004908412
60730200262000	678	5191.383748	0.130601018	60730175012043	16	16097.49464	0.000993943
60730203092006	2	5195.476233	0.00038495	60730197011011	1	16099.23921	6.21147E-05
60730204032021	1	5201.847102	0.000192239	60730174072017	77	16099.28805	0.00478282
60730206013001	7	5208.43948	0.001343973	60730175012031	58	16100.14141	0.003602453
60730202141003	279	5210.566948	0.053545037	60730215021031	163	16100.60859	0.010123841
60730200231008	643	5212.776019	0.123350782	60730175012025	461	16105.57985	0.02862362
60730200231015	7	5214.468525	0.001342419	60730175012037	55	16105.58459	0.003414965
60730206013003	64	5219.592431	0.012261494	60730177023012	2	16107.56655	0.000124165
60730204032011	7	5222.438574	0.00134037	60730083281024	1	16110.31872	6.2072E-05
60730200251005	1	5226.58275	0.00019133	60730174082005	9	16110.32486	0.000558648
60730203092005	5	5235.776972	0.000954968	60730170211000	35	16110.43904	0.002172504
60730200231007	478	5247.408482	0.091092584	60730174071008	10	16110.44313	0.000620715
60730206013012	30	5253.319147	0.005710675	60730170411000	2	16112.2942	0.000124129
60730206013006	83	5253.790555	0.015798117	60730175012035	7	16112.50727	0.000434445
60730202143016	131	5278.638564	0.024817005	60730178112008	3	16117.27165	0.000186136

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730206013010	2	5279.800416	0.000378802	60730177012005	3	16118.5194	0.000186121
60730202143024	188	5279.80159	0.035607399	60730177022012	36	16120.14277	0.002233231
60730206012003	18	5283.910828	0.003406568	60730177023003	2	16121.83248	0.000124055
60730200231014	1392	5286.31509	0.263321421	60730177012000	3	16124.36644	0.000186054
60730206012009	4	5290.465143	0.000756077	60730174082008	4	16126.74767	0.000248035
60730202142009	139	5297.887359	0.026236873	60730177011004	5	16127.0509	0.000310038
60730206012022	1	5302.316091	0.000188597	60730192102000	20	16128.07714	0.001240073
60730206012021	26	5310.83436	0.004895653	60730177022007	41	16129.49466	0.002541927
60730200243004	11	5313.314277	0.002070271	60730175012044	41	16138.42399	0.002540521
60730206013009	22	5316.491726	0.004138067	60730194062004	2	16139.09631	0.000123923
60730202143018	43	5324.418047	0.008076	60730175012042	23	16139.92887	0.001425037
60730204052009	13	5328.4378	0.002439739	60730191111001	20	16139.96522	0.00123916
60730206012025	15	5335.402375	0.002811409	60730195012010	2	16140.8972	0.000123909
60730200243000	7	5343.90696	0.001309903	60730170393005	2	16141.57407	0.000123904
60730206013000	17	5343.934374	0.003181177	60730192103000	35	16141.79241	0.002168285
60730200242003	11	5362.835025	0.002051154	60730175012038	42	16143.94916	0.002601594
60730203091003	21	5373.086509	0.003908368	60730208012006	1	16145.16945	6.1938E-05
60730206013004	4	5373.499177	0.000744394	60730178112004	1	16145.27385	6.19376E-05
60730202143003	905	5375.946255	0.168342457	60730170393004	2	16147.96375	0.000123855
60730206013013	5	5381.691865	0.000929076	60730174071013	54	16148.60014	0.003343943
60730204032000	398	5390.513334	0.073833414	60730173032015	159	16148.60453	0.009846052
60730203083006	1	5394.641006	0.000185369	60730175012036	13	16149.61391	0.000804973
60730206013005	1	5396.112881	0.000185319	60730177023015	2	16149.91271	0.00012384
60730203091005	8	5396.185182	0.001482529	60730174072012	264	16151.54694	0.016345184
60730202141002	533	5416.288404	0.098406872	60730170374002	17	16152.99326	0.001052437
60730206013007	3	5421.790029	0.000553323	60730178131001	2	16156.14068	0.000123792
60730202143001	507	5424.009441	0.093473289	60730191051000	3	16156.92092	0.000185679
60730200251002	3	5424.505015	0.000553046	60730197011010	1	16157.51495	6.18907E-05
60730207072001	236	5425.875455	0.043495285	60730177022010	2	16159.53716	0.000123766
60730202143014	64	5425.980624	0.011795103	60730177023016	6	16163.23744	0.000371213
60730200231016	528	5426.364896	0.097302708	60730221011004	9	16164.39697	0.000556779
60730202143015	83	5432.365123	0.015278796	60730195022000	2	16166.29531	0.000123714
60730206012002	60	5433.735543	0.011042127	60730173061015	62	16169.35637	0.003834414
60730206012010	45	5446.965006	0.008261481	60730177022009	2	16172.90169	0.000123664
60730206013008	56	5456.975724	0.010262094	60730177015007	21	16177.68898	0.001298084
60730204032006	9	5466.593994	0.001646363	60730192062003	9	16180.05556	0.00055624
60730200262013	3	5471.365413	0.000548309	60730175012045	46	16180.71778	0.00284289
60730200432011	2	5477.528439	0.000365128	60730175012026	14	16180.78411	0.000865224
60730200242001	15	5487.951774	0.00273326	60730177022006	16	16181.28966	0.000988796
60730200242000	1	5505.340585	0.000181642	60730198093021	6	16182.08506	0.00037078
60730201081003	11	5515.627916	0.001994333	60730191051005	1	16182.41525	6.17955E-05
60730204032014	43	5518.447689	0.007792046	60730177022003	157	16182.90075	0.009701598
60730206011005	1	5529.374559	0.000180852	60730175012041	27	16183.74817	0.00166834
60730171121010	2	5533.091549	0.000361462	60730083281022	1	16183.88288	6.17899E-05
60730206013014	6	5537.908218	0.001083442	60730174071021	3	16185.23946	0.000185354
60730200231002	378	5557.213139	0.068019705	60730175012039	301	16187.87945	0.018594159
60730202143013	73	5574.508966	0.013095324	60730170393006	1	16188.22776	6.17733E-05
60730207071007	376	5579.226152	0.067392859	60730170372002	6	16188.37331	0.000370636
60730206012001	68	5580.184087	0.012185978	60730195033000	20	16189.13527	0.001235396
60730202143010	49	5581.135531	0.008779575	60730195021000	42	16189.31488	0.002594304
60730206012011	23	5589.599335	0.004114785	60730178114003	8	16190.65632	0.000494112
60730202143009	21	5589.911976	0.003756768	60730175012057	15	16193.55056	0.000926295
60730202142008	181	5591.803697	0.032368804	60730174071020	3	16194.46811	0.000185248

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730206012014	7	5594.642573	0.001251197	60730174072020	183	16195.26178	0.011299601
60730207072000	143	5600.027697	0.025535588	60730192053005	119	16199.4266	0.007345939
60730204011000	4	5604.932159	0.000713657	60730177022011	11	16199.60807	0.000679029
60730206011011	1	5606.189178	0.000178374	60730178131008	130	16200.11764	0.008024633
60730206012015	4	5606.432518	0.000713466	60730175012011	3	16200.96979	0.000185174
60730202143008	9	5609.57571	0.001604399	60730174072021	173	16206.67369	0.010674615
60730171121012	17	5618.681477	0.003025621	60730174082006	3	16206.68231	0.000185109
60730201081002	6	5620.431481	0.001067534	60730192061003	4	16209.1863	0.000246774
60730200231013	1670	5621.37544	0.297080317	60730174072019	421	16209.72897	0.025972057
60730202143004	20	5622.529204	0.003557118	60730197011009	42	16210.42167	0.002590926
60730206011013	3	5624.217251	0.000533408	60730215022003	64	16210.77677	0.003947991
60730200262008	2	5635.67953	0.000354882	60730173061006	647	16210.81791	0.03991162
60730203083000	154	5647.016759	0.027271036	60730198093015	2	16215.84329	0.000123336
60730202142004	227	5652.209739	0.040161284	60730175012023	2	16222.43451	0.000123286
60730204032007	17	5654.720023	0.003006338	60730175012051	22	16222.77366	0.001356118
60730200292000	233	5655.170699	0.041201232	60730178112005	16	16222.95193	0.000986257
60730204032015	74	5656.138527	0.013083131	60730175012046	37	16224.58867	0.002280489
60730202142003	295	5687.521791	0.051867933	60730198093006	1	16226.50861	6.16276E-05
60730202143000	158	5696.228361	0.027737652	60730177022000	126	16227.01714	0.007764828
60730203053000	34	5708.096579	0.005956451	60730175012040	3	16227.60238	0.00018487
60730200241002	3	5715.665062	0.000524873	60730195012001	4	16227.85203	0.00024649
60730202143011	38	5721.670753	0.006641417	60730198114004	14	16230.06815	0.000862597
60730200231004	95	5722.042949	0.016602462	60730170371002	22	16230.357	0.001355485
60730202143012	97	5724.164001	0.016945706	60730177015005	10	16231.30826	0.000616093
60730206012000	324	5726.557202	0.056578497	60730198093017	6	16233.9784	0.000369595
60730203081000	165	5727.073247	0.028810527	60730191111004	3	16235.84985	0.000184776
60730206011000	10	5729.077726	0.001745482	60730177022004	1	16236.33689	6.15902E-05
60730206012012	39	5732.435335	0.006803391	60730175012014	1	16237.72445	6.1585E-05
60730203053002	1	5736.592004	0.00017432	60730175012052	31	16238.19032	0.00190908
60730202143005	5	5738.509753	0.000871306	60730174082015	40	16238.20669	0.002463326
60730204032016	250	5741.755904	0.043540688	60730177015006	130	16239.72751	0.00800506
60730207071008	25	5741.77961	0.004354051	60730175012015	1	16245.28885	6.15563E-05
60730200432010	97	5741.95322	0.016893206	60730174082018	1	16246.63698	6.15512E-05
60730171111007	10	5745.347997	0.001740539	60730177015004	11	16247.97037	0.000677008
60730206012013	34	5746.182018	0.005916972	60730198052002	4	16250.94157	0.00024614
60730204052017	19	5751.113301	0.003303708	60730174082013	9	16257.05321	0.000553606
60730206012016	2	5758.608401	0.000347306	60730177015000	39	16258.23463	0.002398784
60730202141004	115	5758.903638	0.019969079	60730198102006	1	16261.33787	6.14956E-05
60730206012017	1	5765.684712	0.00017344	60730198114003	6	16265.3045	0.000368883
60730200232008	7	5766.125114	0.001213987	60730175012050	10	16266.56049	0.000614758
60730200432001	42	5768.641929	0.007280743	60730174071018	3	16267.00974	0.000184422
60730200283000	1182	5770.520503	0.204834209	60730175012028	87	16268.58998	0.005347728
60730206011004	3	5774.729424	0.000519505	60730175012049	6	16271.70213	0.000368738
60730200232007	3	5780.586952	0.000518978	60730173061014	6	16276.12752	0.000368638
60730203053001	1	5791.193163	0.000172676	60730170411001	2	16277.88813	0.000122866
60730200262003	154	5796.247142	0.026568915	60730173032016	25	16279.79249	0.001535646
60730203091000	60	5800.079313	0.010344686	60730177023013	12	16280.53345	0.000737077
60730207081016	55	5802.997145	0.009477861	60730174082007	12	16281.62638	0.000737027
60730200432012	7	5806.003501	0.001205649	60730177014006	5	16283.73307	0.000307055
60730201081001	293	5811.12088	0.050420565	60730177015003	13	16288.01873	0.000798133
60730201081000	10	5811.135985	0.001720834	60730191054000	10	16289.74236	0.000613883
60730200283001	46	5811.612847	0.007915187	60730198093020	1	16290.51921	6.13854E-05
60730206011008	18	5813.455432	0.003096265	60730083662001	28	16290.78865	0.001718763

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730206022018	199	5836.935267	0.034093234	60730178131002	11	16290.99664	0.00067522
60730200241004	2	5837.955224	0.000342586	60730170401010	3	16294.41691	0.000184112
60730206022015	212	5852.786163	0.036222065	60730177022001	14	16296.62898	0.000859073
60730206022017	32	5858.665101	0.005461995	60730178114000	1161	16297.13446	0.071239518
60730202144002	50	5867.94278	0.008520874	60730192091015	9	16297.96731	0.000552216
60730202144007	17	5868.016874	0.002897061	60730194061000	3	16298.07444	0.000184071
60730202144006	21	5869.092224	0.003578066	60730221011003	21	16303.22961	0.001288088
60730200241001	114	5875.468153	0.019402709	60730178112006	6	16305.37385	0.000367977
60730207081007	4	5879.038664	0.000680383	60730175012053	30	16309.81783	0.001839383
60730207081000	9	5880.016054	0.001530608	60730177015002	33	16309.91146	0.00202331
60730200294029	33	5881.377242	0.005610931	60730208012003	19	16310.80839	0.001164872
60730206022016	4	5884.31513	0.000679773	60730175012055	3	16311.47466	0.00018392
60730202141001	65	5890.682633	0.011034375	60730198113009	17	16313.39079	0.001042089
60730207073004	7	5891.951686	0.001188061	60730177011009	5	16314.31738	0.000306479
60730204052020	4	5893.666734	0.000678695	60730175012008	3	16315.29411	0.000183877
60730200283002	82	5893.82928	0.013912856	60730177015001	64	16320.10058	0.003921544
60730207071002	168	5904.229746	0.028454177	60730170532005	7	16329.38202	0.000428675
60730200432004	3	5905.756883	0.000507979	60730177014007	11	16330.50388	0.000673586
60730207082004	57	5906.746323	0.009649983	60730198102005	3	16336.41246	0.000183639
60730201082000	112	5913.29703	0.018940364	60730083662013	4	16338.97348	0.000244813
60730200231001	1	5929.113122	0.000168659	60730192061002	3	16339.02425	0.000183609
60730200444005	85	5929.600976	0.01433486	60730083273009	1	16339.78477	6.12003E-05
60730207081014	39	5930.336775	0.006576355	60730174082017	8	16348.07637	0.000489354
60730200232006	13	5935.6813	0.002190145	60730198052001	1	16351.4791	6.11565E-05
60730202144001	15	5945.441318	0.002522941	60730192054000	108	16353.11469	0.006604246
60730204052016	5	5946.690939	0.000840804	60730175012009	117	16354.26758	0.007154096
60730203091001	14	5954.84535	0.002351027	60730178081001	34	16354.36772	0.002078955
60730200211015	3	5954.847572	0.000503791	60730175012012	19	16355.17974	0.001161711
60730206023007	2	5956.980538	0.000335741	60730083663008	2620	16356.35274	0.16018241
60730200241003	41	5961.923753	0.006876975	60730173061016	13	16357.02634	0.000794765
60730200262007	18	5963.308098	0.003018459	60730191111002	17	16357.16315	0.0010393
60730207073003	11	5964.406205	0.001844274	60730198052004	30	16361.84593	0.001833534
60730206023006	1	5966.191521	0.000167611	60730170091001	42	16361.84805	0.002566947
60730200282002	15	5969.321034	0.002512849	60730215021050	7	16366.41949	0.000427705
60730171111049	39	5972.918667	0.006529471	60730175012020	2	16367.01963	0.000122197
60730202144005	12	5974.405474	0.002008568	60730195011000	270	16370.94193	0.016492637
60730200211000	45	5975.103182	0.007531251	60730170393007	1	16372.92474	6.10764E-05
60730206023014	3	5976.427856	0.000501972	60730083282011	63	16375.9334	0.003847109
60730200262004	551	5978.818439	0.092158677	60730173061018	457	16377.55893	0.027904036
60730204052019	3	5983.752195	0.000501358	60730192101000	142	16380.01767	0.008669099
60730202142002	2	5985.630649	0.000334134	60730194062000	373	16384.13024	0.022765932
60730206023015	3	5986.01075	0.000501168	60730177014005	68	16386.03193	0.004149876
60730207081006	2	5993.909126	0.000333672	60730170373004	4	16387.80242	0.000244084
60730206022008	27	5995.164959	0.004503629	60730170374003	16	16392.87107	0.000976034
60730206023019	2	5995.378289	0.000333359	60730178131017	9	16406.1031	0.000548576
60730202142000	60	6000.964533	0.009998393	60730170371005	9	16406.55116	0.000548561
60730200281002	1	6001.243044	0.000166632	60730178131019	2	16406.65786	0.000121902
60730202144000	13	6003.843777	0.00216528	60730170371000	10	16408.59136	0.000609437
60730203053003	4	6006.514843	0.000665944	60730198113001	4	16408.79229	0.000243772
60730207073002	1	6011.21084	0.000166356	60730191052021	85	16415.284	0.005178101
60730204011002	17	6011.329272	0.002827993	60730192101004	3	16422.73756	0.000182674
60730171132002	14	6012.755257	0.002328383	60730221011005	19	16426.05737	0.001156699
60730202144004	75	6013.900141	0.012471108	60730170211015	12	16426.40443	0.000730531

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730202144003	143	6034.608818	0.023696648	60730178131000	336	16427.27386	0.020453789
60730200294027	311	6047.205494	0.051428714	60730198114000	8	16427.55119	0.000486987
60730200211004	97	6049.609708	0.016034092	60730198093019	3	16428.35579	0.000182611
60730206022007	25	6055.135789	0.004128727	60730170414000	29	16430.651	0.001764994
60730206023018	2	6059.577677	0.000330056	60730175012006	2	16432.63698	0.000121709
60730204052021	1	6062.933843	0.000164937	60730173032018	110	16438.08668	0.006691776
60730200432006	22	6066.699444	0.003626354	60730170394004	7	16439.88408	0.000425794
60730200412005	5	6082.711782	0.000822002	60730192061004	10	16442.32318	0.000608187
60730200282001	46	6086.328931	0.007557922	60730170402002	14	16446.87467	0.000851226
60730203051013	43	6087.006022	0.007064228	60730195012000	361	16448.67979	0.02194705
60730207071003	2	6093.785593	0.000328203	60730221012013	413	16448.95498	0.025107978
60730200432013	15	6093.972226	0.002461449	60730173081002	177	16454.91251	0.010756666
60730200294028	190	6102.076309	0.031136943	60730083662007	4	16455.66347	0.000243077
60730200231003	4	6109.530291	0.000654715	60730170532006	3	16456.79005	0.000182296
60730204052023	1	6113.203688	0.00016358	60730195011003	9	16465.03401	0.000546613
60730202141000	215	6116.910641	0.035148462	60730178113004	3	16471.78835	0.00018213
60730204011005	4	6120.870381	0.000653502	60730192053007	3	16472.25734	0.000182124
60730200211014	12	6121.644705	0.001960258	60730170212002	1	16475.19341	6.06973E-05
60730206022012	2	6124.713537	0.000326546	60730191052007	12	16477.76888	0.000728254
60730200291005	905	6139.963634	0.14739501	60730178131027	2	16478.20983	0.000121372
60730206022009	48	6144.413596	0.007811974	60730173031003	14	16485.36534	0.000849238
60730200262011	1	6150.644173	0.000162585	60730178111002	1	16485.44641	6.06596E-05
60730200262012	3	6153.967549	0.00048749	60730170414001	11	16490.49595	0.000667051
60730206022006	25	6161.089246	0.004057724	60730215021017	12	16493.6643	0.000727552
60730206023017	2	6174.713915	0.000323902	60730178113001	28	16495.84762	0.001697397
60730201083000	51	6185.220553	0.008245462	60730178131011	1	16501.82971	6.05993E-05
60730200444003	2	6192.941411	0.000322948	60730215021054	6	16517.50428	0.000363251
60730207082003	5	6201.17502	0.000806299	60730198113005	7	16530.16609	0.000423468
60730200241000	61	6215.077245	0.009814842	60730173033000	99	16533.61564	0.005987801
60730200444004	5	6218.335394	0.000804074	60730177014004	27	16536.87664	0.001632715
60730206024011	2	6221.020539	0.000321491	60730173031000	32	16540.53028	0.001934642
60730204052018	23	6227.198165	0.003693475	60730192101006	574	16542.26873	0.034698989
60730171132003	138	6234.864655	0.0221336	60730198051013	9	16544.99759	0.000543971
60730202022020	127	6237.734887	0.020359955	60730178131016	1	16546.71216	6.0435E-05
60730203051002	3	6238.492256	0.000480885	60730170091002	6	16548.76623	0.000362565
60730200214001	3	6247.734198	0.000480174	60730170401013	9	16564.51008	0.00054333
60730200281001	5	6249.393136	0.000800078	60730083662002	3	16565.84549	0.000181095
60730206023002	2	6249.415129	0.00032003	60730215011001	26	16567.83445	0.001569306
60730200211006	1	6255.912705	0.000159849	60730194031005	73	16574.29312	0.004404411
60730206022011	5	6260.519235	0.000798656	60730192054001	2	16577.9691	0.000120642
60730206023003	14	6267.091781	0.002233891	60730173081000	1257	16578.95776	0.075819
60730200402008	32	6285.261621	0.005091276	60730198052005	1	16581.99832	6.03064E-05
60730203051018	3	6285.533883	0.000477286	60730177014000	19	16588.05842	0.001145402
60730202132000	25	6287.861604	0.003975914	60730083662004	26	16588.4864	0.001567352
60730207081019	4	6292.985816	0.000635628	60730170212008	27	16596.8115	0.001626819
60730200231000	1	6295.163645	0.000158852	60730221011006	2	16597.64237	0.000120499
60730206022005	54	6297.208146	0.008575229	60730215021043	2	16600.79424	0.000120476
60730202132001	124	6303.171242	0.019672637	60730192053004	4	16605.21566	0.000240888
60730200432007	13	6305.70458	0.002061625	60730170412001	8	16605.39068	0.000481771
60730200412002	3	6309.034344	0.000475509	60730170371001	9	16606.35161	0.000541961
60730200432005	4	6310.253287	0.000633889	60730198113003	31	16607.66639	0.001866608
60730203051016	16	6325.184646	0.00252957	60730195012006	21	16614.20404	0.001263979
60730200232001	17	6338.494459	0.002682025	60730173033004	221	16615.30279	0.013300991

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730171132004	68	6343.456119	0.010719708	60730192052005	7	16615.50178	0.000421293
60730207081022	1	6343.508705	0.000157641	60730194061002	4	16618.06967	0.000240702
60730200412000	5	6350.788892	0.000787304	60730083662006	4	16623.22236	0.000240627
60730200443009	2	6351.996229	0.000314862	60730170532007	5	16626.40671	0.000300726
60730200232003	2	6353.175197	0.000314803	60730173061007	2	16630.92978	0.000120258
60730200294022	116	6356.646526	0.018248616	60730192091006	16	16632.24222	0.000961987
60730206024010	6	6356.772176	0.000943875	60730178131007	137	16637.12521	0.008234596
60730203052011	390	6360.941768	0.061311676	60730215012000	31	16637.31877	0.001863281
60730203051015	8	6371.32094	0.001255627	60730173031004	4	16638.05924	0.000240413
60730202131001	7	6372.014104	0.001098554	60730178113000	9	16661.46733	0.000540169
60730207073001	20	6373.537483	0.003137975	60730192061001	9	16663.27632	0.00054011
60730200211007	40	6379.607774	0.006269978	60730207112004	18	16667.47953	0.001079947
60730204011003	2	6380.80613	0.00031344	60730191052011	72	16667.62891	0.004319751
60730200263003	8	6381.26643	0.00125367	60730215021055	1	16667.87456	5.99957E-05
60730207081002	11	6381.762038	0.001723662	60730198102004	1	16668.46324	5.99935E-05
60730200262010	67	6382.788336	0.01049698	60730170412000	4	16669.15441	0.000239964
60730203052002	350	6384.978235	0.054816162	60730198052006	4	16671.39134	0.000239932
60730200281000	1	6387.464298	0.000156557	60730083661001	27	16678.53491	0.001618847
60730203052012	1	6388.919137	0.000156521	60730191053001	67	16678.61033	0.004017121
60730202133000	7	6394.491854	0.001094692	60730192101002	53	16692.15135	0.003175145
60730206023001	2	6399.064515	0.000312546	60730198102003	4	16694.07862	0.000239606
60730200232002	20	6400.310193	0.003124849	60730173081001	207	16699.86816	0.012395307
60730206022002	2	6410.602628	0.000311983	60730178103002	2	16708.0242	0.000119703
60730200443005	4	6416.860225	0.000623358	60730195011001	3	16710.4288	0.000179529
60730207081005	55	6427.979158	0.008556344	60730178111000	454	16711.87471	0.027166312
60730200443000	8	6439.344182	0.001242363	60730083651002	5	16713.81086	0.000299154
60730206022004	55	6440.553937	0.008539638	60730191111000	194	16715.96378	0.011605672
60730201084003	4	6441.287592	0.000620994	60730170091000	24	16721.62256	0.001435267
60730200294031	12	6448.19366	0.001860986	60730221011002	6	16722.1657	0.000358805
60730202022021	37	6448.878653	0.005737432	60730083282014	15	16724.06118	0.000896911
60730200211008	7	6453.841584	0.001084625	60730194052003	22	16724.19049	0.00131546
60730202022017	19	6468.344769	0.002937382	60730195011002	11	16728.20374	0.000657572
60730207081011	13	6472.955756	0.002008356	60730194061003	100	16728.9354	0.005977667
60730200401003	599	6473.093985	0.092536892	60730178111003	1	16731.23514	5.97685E-05
60730201062004	44	6473.895077	0.006796527	60730198051003	2	16732.63749	0.000119527
60730203051005	33	6484.93444	0.005088718	60730083662010	9	16739.71554	0.000537644
60730200412001	12	6489.404313	0.001849168	60730178114005	9	16744.8653	0.000537478
60730202022018	25	6493.139124	0.003850218	60730192053001	2	16745.36531	0.000119436
60730204052025	119	6499.680225	0.018308593	60730194031007	10	16765.29146	0.00059647
60730207071000	8	6501.731459	0.001230441	60730198113000	26	16773.90446	0.001550027
60730202131000	127	6505.363885	0.019522351	60730198113011	9	16781.63961	0.0005363
60730203051009	15	6507.671597	0.002304972	60730170411005	1	16782.15802	5.95871E-05
60730207082001	3	6535.392466	0.000459039	60730170373003	3	16783.07771	0.000178751
60730206023000	3	6537.331607	0.000458903	60730170091003	57	16784.16649	0.003396058
60730203052013	6	6539.931296	0.000917441	60730191051007	3	16787.24535	0.000178707
60730204011004	23	6544.842196	0.003514218	60730198051001	42	16788.30975	0.002501741
60730201062005	6	6547.182748	0.000916425	60730194052002	50	16789.41165	0.002978067
60730206022001	8	6547.883746	0.001221769	60730178131012	1	16790.82531	5.95563E-05
60730200402005	7	6557.561027	0.00106747	60730198051007	1	16790.95776	5.95559E-05
60730207082000	21	6563.451391	0.003199536	60730198102007	67	16791.89159	0.003990021
60730171111026	171	6572.326098	0.026018186	60730198102009	3	16796.1169	0.000178613
60730206021008	50	6575.920756	0.007603498	60730178114004	6	16798.02363	0.000357185
60730200294026	94	6577.227652	0.014291736	60730170211011	1	16798.78681	5.95281E-05

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730200402006	4	6581.273951	0.000607785	60730215021047	1	16806.54049	5.95006E-05
60730200263000	19	6581.930487	0.002886691	60730170414003	37	16806.96815	0.002201468
60730202022006	345	6591.113841	0.052343202	60730173031001	3	16812.02882	0.000178444
60730202022015	40	6593.02848	0.006067015	60730170211010	11	16813.02058	0.000654255
60730200211009	2	6593.347894	0.000303336	60730194042007	20	16814.33639	0.001189461
60730203051001	3	6594.39064	0.000454932	60730178133015	133	16819.22696	0.007907617
60730200294023	772	6604.519336	0.116889657	60730178131018	1	16819.95511	5.94532E-05
60730201084000	29	6607.25547	0.004389114	60730191112005	6	16829.37917	0.000356519
60730200443010	21	6612.266493	0.003175916	60730170373000	189	16844.99041	0.011219953
60730203052003	2	6613.29914	0.000302421	60730178133017	5	16851.58076	0.000296708
60730206024013	1	6613.461211	0.000151207	60730192053000	6	16860.49301	0.000355861
60730203051008	14	6616.486665	0.002115927	60730215021037	73	16869.69299	0.004327287
60730202022016	22	6621.57141	0.003322474	60730173031012	9	16871.05914	0.000533458
60730202022007	23	6635.750516	0.003466074	60730198113002	1	16872.5121	5.9268E-05
60730200443004	32	6640.326559	0.00481904	60730170401017	1	16874.26106	5.92619E-05
60730201084004	2	6642.074244	0.000301111	60730173033003	59	16876.80784	0.003495922
60730202023001	3	6650.096009	0.000451121	60730192091008	1	16885.80078	5.92214E-05
60730171132019	15	6655.313206	0.002253838	60730194042000	82	16886.22191	0.00485603
60730203051011	1	6655.741465	0.000150246	60730170371003	2	16889.74022	0.000118415
60730200263008	2	6661.835201	0.000300218	60730198051004	1	16890.29449	5.92056E-05
60730171111023	5	6662.901185	0.000750424	60730192081000	17	16891.0016	0.001006453
60730203052005	3	6666.185631	0.000450032	60730192091000	12	16891.82889	0.000710403
60730200382011	192	6691.038793	0.028695096	60730083661010	90	16892.53128	0.005327798
60730206021006	3	6705.775282	0.000447376	60730173061009	14	16893.76276	0.000828708
60730200214000	232	6712.798896	0.034560845	60730170401016	2	16905.56966	0.000118304
60730202022001	9	6715.125893	0.001340258	60730178133003	101	16914.21273	0.00597131
60730206021007	27	6720.638138	0.004017476	60730178111004	4	16915.15898	0.000236474
60730200291000	736	6728.593536	0.109383929	60730194031008	3	16919.03428	0.000177315
60730200402003	67	6729.291774	0.009956471	60730194063000	5	16921.66223	0.000295479
60730202022014	57	6737.335042	0.008460318	60730194041011	3	16932.51014	0.000177174
60730200443008	1	6748.149721	0.000148189	60730083651000	6	16934.40797	0.000354308
60730207082008	1	6751.154947	0.000148123	60730198051006	3	16939.12058	0.000177105
60730200291008	5	6753.241206	0.000740385	60730221012014	2541	16940.80713	0.149992853
60730201053002	380	6760.060596	0.056212514	60730170403003	10	16947.23544	0.000590067
60730203051004	10	6761.016669	0.001479067	60730170091007	11	16951.20571	0.000648921
60730200214005	2	6763.673642	0.000295697	60730173081004	9	16960.38556	0.000530648
60730202022009	47	6765.255965	0.006947261	60730178133009	2	16963.17436	0.000117902
60730200401013	1	6766.878277	0.000147779	60730194052000	3	16965.60243	0.000176828
60730207082009	4	6767.655581	0.000591047	60730170412002	29	16972.19985	0.001708677
60730202021000	78	6768.167218	0.011524538	60730198114006	3	16972.6207	0.000176755
60730206024009	2	6769.084048	0.000295461	60730178133013	3	16978.66978	0.000176692
60730170641000	10	6770.30938	0.001477037	60730170373001	90	16978.88707	0.005300701
60730206024002	7	6772.056041	0.001033659	60730221011001	13	16980.3135	0.000765592
60730202022008	74	6779.482008	0.010915288	60730198051008	8	16983.45688	0.000471047
60730207053011	16	6782.943518	0.002358858	60730198051002	12	16984.61135	0.000706522
60730200213002	51	6784.537771	0.007517093	60730194053004	77	16986.03672	0.004533135
60730207082012	3	6787.222802	0.000442007	60730083651001	1	16989.14513	5.88611E-05
60730201062003	17	6787.560935	0.002504582	60730198113017	8	16989.86024	0.000470869
60730170641001	6	6803.952939	0.00088184	60730198113019	2	16998.79476	0.000117655
60730207081010	1004	6807.97738	0.147474051	60730173072000	178	16999.85332	0.010470679
60730200291001	492	6810.993411	0.072236159	60730192062000	197	17001.12029	0.011587472
60730203052004	3	6816.898268	0.000440083	60730170091014	47	17004.01562	0.002764053
60730170662007	29	6822.911793	0.004250385	60730178103001	72	17004.21302	0.004234245

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730202024003	3	6829.987887	0.000439239	60730198102008	2	17007.43683	0.000117596
60730202023000	8	6834.710082	0.001170496	60730083651003	15	17007.5123	0.000881963
60730206024005	14	6845.667101	0.002045089	60730178133014	1	17014.36874	5.87739E-05
60730170661002	4	6855.206655	0.000583498	60730191051004	13	17014.48414	0.000764055
60730200382012	262	6859.500967	0.038195198	60730194042006	3	17019.70721	0.000176266
60730207101029	18	6867.209462	0.002621152	60730083273001	501	17021.22575	0.029433838
60730206021001	52	6873.768535	0.007564991	60730170502001	1	17023.17234	5.87435E-05
60730200294024	1076	6875.882733	0.156488998	60730194042001	5	17025.2624	0.000293681
60730203051000	38	6878.52818	0.005524438	60730173081005	170	17025.99847	0.00998473
60730201061011	4	6880.003768	0.000581395	60730083282018	5	17026.53563	0.000293659
60730202022013	94	6881.511866	0.013659789	60730178133012	4	17032.42033	0.000234846
60730170641004	4	6894.894936	0.000580139	60730170091010	1	17039.11321	5.86885E-05
60730200294030	82	6900.510292	0.011883179	60730198114012	6	17041.03627	0.000352091
60730171111024	2	6906.853391	0.000289567	60730170414002	5	17043.03001	0.000293375
60730202022010	24	6909.062466	0.003473699	60730173031010	5	17047.80097	0.000293293
60730171111022	87	6909.915212	0.012590603	60730173031009	16	17062.32446	0.000937739
60730203043012	1	6914.071438	0.000144633	60730198051015	1	17064.19511	5.86022E-05
60730200263002	4	6918.266384	0.00057818	60730194053005	87	17064.2181	0.005098388
60730202022005	56	6929.160042	0.008081788	60730170394007	7	17065.50208	0.000410184
60730202022002	24	6934.362396	0.003461025	60730083273011	23	17067.65774	0.001347578
60730207053009	2	6936.217668	0.000288342	60730170091004	45	17072.13017	0.002635875
60730200401005	1	6940.253176	0.000144087	60730198113012	5	17074.54547	0.000292834
60730202024001	3	6943.076066	0.000432085	60730173081003	58	17076.12324	0.003396555
60730207053019	3	6944.358187	0.000432005	60730198114009	2	17081.34878	0.000117087
60730202021005	20	6961.069645	0.002873122	60730194053003	1	17084.85473	5.85314E-05
60730203044018	25	6967.971579	0.003587845	60730185194003	104	17092.0476	0.006084701
60730206021003	2	6971.79404	0.00028687	60730198113016	9	17100.32557	0.000526306
60730206024008	2	6973.660526	0.000286793	60730215012002	5	17101.1545	0.000292378
60730203043011	14	6973.924262	0.002007478	60730198051020	1	17103.08917	5.8469E-05
60730200294009	232	6977.761014	0.033248488	60730083282020	7	17109.8179	0.000409122
60730201093003	23	6978.0079	0.00329607	60730198113018	2	17113.10908	0.000116869
60730202024002	3	6991.719762	0.000429079	60730173061012	28	17113.26415	0.001636158
60730206024001	1	6992.056236	0.000143019	60730170411003	5	17117.94974	0.000292091
60730200263005	120	6998.177498	0.017147322	60730173072002	12	17127.55832	0.000700625
60730203041007	1	7008.259748	0.000142689	60730194042005	1	17128.45417	5.83824E-05
60730206021000	15	7017.445403	0.00213753	60730170403009	2	17129.13227	0.00011676
60730201093002	1	7024.230654	0.000142364	60730194031004	1	17129.90452	5.83774E-05
60730203052010	71	7037.103099	0.010089379	60730173033019	56	17131.24581	0.003268881
60730201062002	23	7042.17237	0.003266038	60730194031009	1	17133.15403	5.83664E-05
60730202022011	19	7043.652575	0.002697464	60730170414006	82	17136.3268	0.004785156
60730203044019	8	7045.38798	0.001135495	60730192092000	76	17138.67891	0.004434414
60730200411000	24	7045.978893	0.003406198	60730170412003	2	17142.83073	0.000116667
60730171132022	3	7049.443873	0.000425565	60730198051009	3	17143.42001	0.000174994
60730201093000	7	7057.022618	0.00099192	60730194063004	10	17143.50588	0.000583311
60730202022004	16	7064.614229	0.002264809	60730170091006	12	17149.04383	0.000699747
60730203041020	3	7068.372847	0.000424426	60730178133008	205	17154.80482	0.011950005
60730170643000	15	7070.743466	0.002121418	60730191033033	3	17155.76639	0.000174868
60730207064002	8	7072.039305	0.001131215	60730178133007	5	17156.52275	0.000291434
60730203043002	2	7076.376379	0.000282631	60730215021041	47	17157.18562	0.002739377
60730207081004	94	7088.429546	0.013261047	60730208012007	5	17159.62912	0.000291382
60730202022003	90	7091.539883	0.012691179	60730192032014	62	17160.05257	0.003613043
60730206024000	3	7092.834991	0.000422962	60730173033025	2	17168.10424	0.000116495
60730207064003	44	7097.612481	0.006199268	60730194063001	5	17171.18936	0.000291185

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730202021002	1	7100.654993	0.000140832	60730173031011	980	17176.44819	0.057054869
60730207053010	2	7106.481192	0.000281433	60730173033006	3	17180.496	0.000174617
60730202022000	311	7113.112848	0.043722067	60730194041010	127	17181.34722	0.007391737
60730203044016	2	7148.296782	0.000279787	60730173033020	12	17182.8196	0.000698372
60730202021004	10	7154.122193	0.001397796	60730170091015	1	17190.29577	5.81724E-05
60730170661004	1	7165.524102	0.000139557	60730198051016	12	17193.08812	0.000697955
60730201062001	1	7175.490436	0.000139363	60730192091013	3	17195.65386	0.000174463
60730202024000	4	7175.638199	0.000557442	60730198113014	3	17196.28174	0.000174456
60730200294010	85	7188.56673	0.011824332	60730173033007	2	17199.2291	0.000116284
60730202112021	1	7195.532291	0.000138975	60730083662011	4	17201.37795	0.00023254
60730171131007	9	7211.020446	0.00124809	60730170091017	1	17202.01151	5.81327E-05
60730202021003	1	7214.021518	0.000138619	60730198113015	1	17203.77525	5.81268E-05
60730200291009	197	7240.089165	0.02720961	60730194053001	31	17204.85444	0.001801817
60730201062000	24	7250.546863	0.003310095	60730192052001	297	17209.92315	0.017257486
60730203041026	8	7251.886486	0.001103161	60730198032002	2	17211.64698	0.0001162
60730200402004	1	7252.244569	0.000137888	60730185194004	69	17211.68828	0.004008904
60730200401011	37	7266.762435	0.005091676	60730198114010	2	17213.38629	0.000116189
60730207053003	12	7271.793655	0.001650212	60730191052008	5	17214.65456	0.00029045
60730201061010	12	7275.99344	0.001649259	60730178133005	7	17231.52278	0.000406232
60730200294008	751	7276.465948	0.103209443	60730192092019	4	17232.74568	0.000232116
60730201061013	2	7283.757187	0.000274584	60730194051002	99	17235.0163	0.00574412
60730200294020	269	7291.14534	0.036894066	60730083651005	14	17246.67554	0.000811751
60730171132021	2	7297.560119	0.000274064	60730194041000	178	17249.05996	0.010319403
60730170642000	1	7299.832623	0.000136989	60730173081006	173	17251.78544	0.010027948
60730200261004	6	7302.598121	0.000821625	60730194031012	7	17258.57085	0.000405596
60730170662003	103	7308.682627	0.014092827	60730170091019	1	17259.7845	5.79382E-05
60730203041019	3	7313.749649	0.000410186	60730173033018	67	17263.10831	0.003881109
60730207053013	28	7320.562138	0.003824843	60730194031000	94	17274.23091	0.005441632
60730201052005	5	7327.161828	0.000682392	60730173072001	12	17274.33616	0.000694672
60730207064006	2	7333.068302	0.000272737	60730192051007	1	17276.41846	5.78824E-05
60730202112020	148	7345.881167	0.020147345	60730194041001	12	17279.47478	0.000694466
60730203043006	1	7351.052058	0.000136035	60730198032001	1	17279.71655	5.78713E-05
60730170641003	2	7351.745262	0.000272044	60730083652000	44	17280.1348	0.002546276
60730202113000	32	7352.764334	0.004352105	60730170413002	13	17285.69792	0.000752067
60730202112016	2	7354.550376	0.00027194	60730083661012	8	17288.2131	0.000462743
60730202112018	16	7358.504823	0.002174355	60730170681004	5	17289.04439	0.0002892
60730202112010	21	7363.378702	0.002851952	60730083651006	2	17289.99897	0.000115674
60730170661008	121	7372.744034	0.0164118	60730170502002	1	17302.45556	5.77953E-05
60730207064007	4	7373.684526	0.00054247	60730191052015	31	17303.9273	0.001791501
60730203041021	1	7377.478286	0.000135548	60730198051000	290	17305.93583	0.016757256
60730207101040	9	7377.906065	0.001219858	60730198051018	3	17307.11495	0.000173339
60730202111006	46	7381.07142	0.006232158	60730185194002	26	17311.06799	0.001501929
60730171132006	17	7386.178446	0.002301596	60730170091018	2	17311.71321	0.000115529
60730203052001	1	7386.565687	0.000135381	60730178132023	374	17318.51202	0.021595389
60730170632000	314	7388.479473	0.042498595	60730192052004	5	17324.86026	0.000288603
60730201094007	2	7388.503981	0.000270691	60730198114007	16	17327.17777	0.000923405
60730200261000	316	7388.598588	0.042768598	60730170414005	7	17328.89496	0.00040395
60730207064021	1	7393.093428	0.000135261	60730173072003	223	17336.33003	0.012863161
60730201061009	4	7396.540117	0.000540793	60730198051017	274	17336.99891	0.01580435
60730203041008	12	7404.359592	0.001620667	60730170403006	138	17338.53925	0.007959148
60730207053002	4	7412.088308	0.000539659	60730170403007	59	17341.00416	0.00340234
60730207053008	8	7424.564289	0.001077504	60730083661006	38	17343.26349	0.002191052
60730201052002	62	7425.674053	0.00834941	60730178133006	2	17356.66861	0.000115229

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730201094008	13	7427.291013	0.001750302	60730173082004	13	17360.80529	0.000748813
60730171131005	2	7437.419489	0.00026891	60730083282030	51	17363.25764	0.002937237
60730200294012	533	7446.387474	0.071578333	60730173033012	7	17363.4856	0.000403145
60730207064020	2	7455.455686	0.00026826	60730083662009	3	17367.32292	0.000172738
60730200402001	2	7460.709363	0.000268071	60730198032003	8	17379.24557	0.000460319
60730171131006	6	7465.099869	0.00080374	60730192091011	19	17380.97184	0.001093149
60730207064008	1	7471.822204	0.000133836	60730185194000	14	17381.99422	0.000805431
60730200294019	28	7473.77909	0.003746431	60730170403008	162	17383.96112	0.009318935
60730171132007	3	7478.31912	0.00040116	60730215021038	4	17384.99344	0.000230083
60730170661010	5	7488.226847	0.000667715	60730173033021	147	17389.23117	0.008453508
60730170581000	3	7488.401134	0.00040062	60730185193001	131	17394.7326	0.007531015
60730200294011	259	7503.470538	0.034517361	60730221012017	370	17398.80858	0.021265824
60730170662004	4	7505.315355	0.000532956	60730191032004	17	17401.46828	0.000976929
60730207053005	107	7521.953896	0.014225027	60730191033025	14	17402.3132	0.000804491
60730200293000	799	7530.294474	0.106104748	60730083241003	35	17403.69845	0.002011067
60730203044015	13	7532.240036	0.001725914	60730170395001	13	17404.56906	0.00074693
60730171111046	3	7538.155416	0.000397975	60730170681007	2	17406.59098	0.000114899
60730170642001	1	7540.440925	0.000132618	60730170681008	3	17409.30092	0.000172322
60730170643005	3	7552.404292	0.000397224	60730178103010	49	17415.16904	0.002813639
60730200213001	1609	7562.056975	0.212772795	60730192032011	1	17415.58097	5.74198E-05
60730201094010	5	7562.581146	0.00066115	60730192092001	2	17424.13173	0.000114783
60730200261007	1	7563.82402	0.000132208	60730192051005	2	17424.56692	0.00011478
60730201061002	64	7564.993606	0.00846002	60730191033029	2	17429.00395	0.000114751
60730203042007	1	7567.496695	0.000132144	60730215012001	52	17434.92621	0.002982519
60730202112019	963	7568.339098	0.127240599	60730192081001	1	17436.98521	5.73494E-05
60730207064015	5	7574.992967	0.000660067	60730198051011	167	17440.58194	0.009575369
60730207053018	2	7580.618203	0.000263831	60730173072004	306	17442.02841	0.017543831
60730200261006	4	7590.560128	0.00052697	60730173072006	104	17442.36539	0.005962494
60730202112007	9	7594.258537	0.001185106	60730170091016	27	17444.62861	0.001547754
60730201072003	69	7601.012271	0.009077738	60730170412004	339	17445.03249	0.019432466
60730201052001	58	7611.157919	0.007620391	60730173033022	151	17446.37179	0.008655095
60730207062011	156	7625.497353	0.020457682	60730173082001	4	17447.2551	0.000229262
60730203042005	5	7630.983929	0.000655224	60730192032012	8	17448.30603	0.000458497
60730203041025	2	7633.200487	0.000262013	60730194063002	11	17448.54424	0.000630425
60730202111002	2	7633.9891	0.000261986	60730173033008	6	17450.6349	0.000343827
60730201053001	128	7634.214528	0.016766623	60730198051010	314	17450.80146	0.017993443
60730207064019	7	7645.695271	0.000915548	60730185194001	4	17451.51361	0.000229206
60730203043000	1	7647.811941	0.000130756	60730083661007	1	17460.40461	5.72724E-05
60730201061003	5	7653.869139	0.000653264	60730194041008	1	17463.57292	5.72621E-05
60730170633000	31	7665.960508	0.004043851	60730170395003	4	17470.2282	0.000228961
60730201094003	1	7673.711881	0.000130315	60730185193002	624	17472.63223	0.035712993
60730207052009	1	7676.049206	0.000130275	60730083661009	8	17473.38043	0.000457839
60730202112003	6	7678.189709	0.000781434	60730194031001	73	17475.23759	0.004177339
60730200213000	25	7688.014344	0.003251815	60730191112003	11	17475.72956	0.000629444
60730200422001	171	7692.862372	0.022228397	60730083241001	64	17482.98186	0.003660703
60730207064009	5	7698.69137	0.000649461	60730215021042	21	17485.33493	0.001201006
60730203041009	5	7701.943569	0.000649187	60730194031013	3	17488.17319	0.000171545
60730203042006	1	7705.554642	0.000129777	60730198043000	14	17492.69911	0.000800334
60730170643006	24	7713.441473	0.003111452	60730194031010	11	17497.18994	0.000628672
60730200401012	1	7716.722343	0.000129589	60730173082003	256	17502.58865	0.014626408
60730207064016	94	7718.137199	0.012179105	60730170414004	5	17503.6031	0.000285655
60730171121028	43	7718.908323	0.005570736	60730192051006	7	17504.6126	0.000399895
60730200422005	64	7719.026904	0.008291201	60730173082000	368	17504.85001	0.021022745

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730203041003	7	7730.728061	0.000905477	60730193033008	24	17507.17058	0.001370867
60730170661027	8	7730.983762	0.001034797	60730207111029	22	17515.47403	0.001256032
60730207053007	8	7739.910266	0.001033604	60730198032000	32	17520.15928	0.001826467
60730202112009	149	7749.962484	0.0192259	60730170395004	1	17523.94966	5.70648E-05
60730201051006	4	7750.082811	0.000516124	60730192051003	4	17526.39897	0.000228227
60730202114000	8	7752.883726	0.001031874	60730170414007	2	17526.87601	0.00011411
60730202112002	12	7756.9034	0.001547009	60730194041002	1	17536.73824	5.70231E-05
60730200261008	2	7760.642033	0.000257711	60730083272001	5	17541.29713	0.000285042
60730171132024	5	7764.815956	0.00064393	60730178103009	8	17549.51662	0.000455853
60730170642003	8	7765.667556	0.001030175	60730191052002	2	17556.68323	0.000113917
60730170661018	4	7767.973485	0.000514935	60730170672000	221	17560.84222	0.012584818
60730170643007	6	7773.195494	0.000771883	60730083282017	13	17564.22046	0.000740141
60730171131001	8	7773.261835	0.001029169	60730185193005	9	17564.39386	0.0005124
60730203041013	2	7773.335059	0.00025729	60730198033004	11	17566.24771	0.000626201
60730202111001	2	7774.041465	0.000257266	60730198043004	5	17567.69241	0.000284613
60730200422000	99	7775.523771	0.012732261	60730215021046	6	17573.64963	0.00034142
60730200421007	1	7791.945005	0.000128338	60730185192007	30	17577.00811	0.001706775
60730200293001	16	7799.31514	0.002051462	60730170681003	4	17580.84787	0.00022752
60730171062005	6	7804.403553	0.000768797	60730185192001	1	17582.22168	5.68756E-05
60730201051005	3	7808.704988	0.000384187	60730194041006	172	17586.91312	0.009779999
60730207101023	30	7810.344848	0.00384106	60730221012016	2095	17590.77493	0.119096516
60730200294021	29	7814.252975	0.003711167	60730170681000	61	17593.72993	0.003467144
60730200293002	156	7818.525505	0.019952611	60730192032009	1	17606.61561	5.67968E-05
60730200291002	311	7823.62503	0.039751394	60730170672009	48	17607.92284	0.002726046
60730201071016	15	7826.125674	0.001916657	60730194031003	2	17609.87028	0.000113573
60730170641009	1	7829.484316	0.000127722	60730173071001	278	17613.35099	0.015783482
60730200294014	64	7837.278102	0.0081661	60730198032005	9	17623.16958	0.000510691
60730200261010	20	7847.018536	0.002548739	60730185182011	265	17624.24754	0.015036103
60730170631000	9	7847.699427	0.001146833	60730194041003	14	17629.00577	0.000794146
60730171111029	2	7851.391262	0.000254732	60730170672001	100	17636.18134	0.005670162
60730170661015	39	7857.583902	0.004963358	60730198043008	12	17650.30483	0.000679875
60730171132025	85	7861.014531	0.010812854	60730194051000	6	17656.28648	0.000339822
60730170661039	4	7861.531935	0.000508807	60730192091005	15	17657.19017	0.000849512
60730170581007	10	7865.82017	0.001271323	60730170481000	223	17657.43343	0.012629242
60730201052000	7	7866.756103	0.00088982	60730215013002	24	17668.29925	0.001358365
60730200294000	206	7868.363373	0.026180794	60730178132013	76	17669.21486	0.004301266
60730201094002	5	7874.371968	0.000634971	60730185182006	13	17669.64845	0.000735725
60730200261003	6	7877.560793	0.000761657	60730198033000	301	17670.85378	0.017033699
60730201094001	8	7880.870497	0.001015116	60730170092001	13	17680.5392	0.000735272
60730200294013	20	7891.279998	0.002534443	60730173082002	29	17682.85195	0.001640007
60730201061000	15	7893.120164	0.001900389	60730178132024	148	17685.77391	0.008368308
60730200261002	5	7893.44929	0.000633437	60730083802005	9	17688.30828	0.000508811
60730200294018	435	7898.166724	0.055076072	60730083802004	4	17690.06632	0.000226116
60730207064014	35	7898.840732	0.00443103	60730194041004	5	17696.8822	0.000282536
60730170641008	1	7901.863501	0.000126552	60730191052000	33	17698.14652	0.001864602
60730207064018	3	7903.166721	0.000379595	60730170671002	3	17702.51317	0.000169467
60730170641010	2	7903.249182	0.00025306	60730083301003	9	17705.79106	0.000508308
60730170643009	5	7903.612683	0.000632622	60730215022015	4	17707.32707	0.000225895
60730203042002	7	7908.941397	0.000885074	60730185182009	2350	17718.9479	0.132626385
60730170582001	1	7917.795319	0.000126298	60730170682000	1006	17720.70975	0.056769735
60730200294002	258	7920.75317	0.03257266	60730185193004	25	17721.6911	0.001410701
60730171131002	3	7923.159164	0.000378637	60730170671001	3	17725.62697	0.000169246
60730201091005	4	7924.95415	0.000504735	60730193033011	12	17729.13227	0.000676852

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730201091006	14	7930.556177	0.001765324	60730083272000	321	17738.95305	0.018095769
60730201091007	3	7934.897887	0.000378077	60730173072005	306	17739.20254	0.01724993
60730200294001	4	7940.934095	0.000503719	60730178103005	29	17750.33068	0.001633772
60730207052003	4	7942.297196	0.000503633	60730198043001	5	17750.41659	0.000281684
60730202112000	3	7947.096827	0.000377496	60730193033012	1	17758.85581	5.63099E-05
60730170643008	100	7947.62251	0.012582379	60730083272011	12	17769.71429	0.000675306
60730170581010	2	7949.203417	0.000251598	60730192051001	12	17770.86951	0.000675262
60730200294016	75	7958.98327	0.009423314	60730194031002	199	17771.71406	0.011197569
60730202111009	1	7961.192896	0.000125609	60730194032002	141	17774.89156	0.007932538
60730200421004	1236	7972.731995	0.155028414	60730083802001	68	17775.35329	0.003825522
60730203042004	1	7973.621708	0.000125414	60730185192008	3	17775.49413	0.000168772
60730170661007	1	7975.913851	0.000125377	60730192051002	19	17776.06404	0.001068853
60730201051004	56	7983.842288	0.007014167	60730178103012	17	17777.88976	0.000956244
60730170643010	9	7989.209013	0.00112652	60730215013001	80	17781.95598	0.004498943
60730200294015	21	7993.255443	0.002627215	60730170091005	7	17784.04906	0.000393611
60730170641007	19	7999.113728	0.002375263	60730170671004	2	17787.47512	0.000112439
60730200382009	76	8000.62771	0.009499255	60730170414008	366	17788.64132	0.020574927
60730170641015	2	8001.317327	0.000249959	60730185191007	1	17791.50012	5.62066E-05
60730170633002	1	8003.256711	0.000124949	60730083272008	3	17792.25733	0.000168613
60730200401014	4	8003.463424	0.000499784	60730191033026	90	17796.34014	0.00505722
60730200421001	1077	8005.334886	0.134535284	60730173071000	23	17797.87375	0.001292289
60730203042003	2	8010.803573	0.000249663	60730185193003	56	17803.57927	0.003145435
60730207053004	21	8013.417949	0.002620605	60730083272005	8	17807.62593	0.000449246
60730207101024	1	8021.555937	0.000124664	60730185192002	4	17818.2322	0.000224489
60730170631004	2	8024.681806	0.000249231	60730170482007	11	17818.74273	0.000617328
60730200294006	25	8029.411882	0.003113553	60730198032007	2	17826.11984	0.000112195
60730200421003	7	8033.482691	0.000871353	60730083272012	8	17827.60267	0.000448742
60730200192014	29	8047.070221	0.003603796	60730185182010	335	17834.00077	0.018784344
60730207063007	1	8049.893779	0.000124225	60730170671003	75	17834.1312	0.004205419
60730200422008	16	8052.691348	0.001986913	60730170091022	1	17852.72811	5.60138E-05
60730170581008	6	8053.636847	0.000745005	60730185182000	3	17852.85769	0.00016804
60730207062010	6	8057.38991	0.000744658	60730170482004	4	17853.55787	0.000224045
60730200291006	349	8063.483337	0.043281543	60730173071004	535	17854.46113	0.0299645
60730200294007	66	8067.896979	0.00818057	60730185182008	3	17856.72993	0.000168004
60730207052008	2	8071.967348	0.000247771	60730170481001	23	17858.90283	0.001287873
60730170641014	6	8072.042532	0.000743306	60730198031017	263	17862.7994	0.014723336
60730171111045	42	8078.842058	0.005198765	60730194031027	3	17868.12048	0.000167897
60730207052004	4	8079.581635	0.000495075	60730198043007	26	17878.19841	0.001454285
60730170642007	12	8080.070679	0.001485136	60730194051001	10	17880.60572	0.000559265
60730207052000	1	8085.054453	0.000123685	60730178103014	29	17881.14284	0.00162182
60730201071004	74	8086.092362	0.009151516	60730215023000	151	17882.11715	0.00844419
60730170661019	2	8090.002624	0.000247219	60730198031014	17	17882.25115	0.000950663
60730200294003	3	8097.967224	0.000370463	60730191112002	203	17884.32264	0.011350723
60730200294017	47	8100.396879	0.005802185	60730185192000	6	17886.52417	0.000335448
60730200192004	86	8102.315221	0.01061425	60730083301001	11	17889.82096	0.000614875
60730200422003	6	8102.368132	0.000740524	60730208012026	30	17899.3202	0.001676041
60730201071003	19	8112.326455	0.002342115	60730185193000	43	17902.47539	0.002401902
60730200422006	1	8120.408616	0.000123147	60730083272004	4	17905.09531	0.0002234
60730170641012	9	8122.201555	0.001108074	60730198043006	22	17911.35792	0.001228271
60730170633003	5	8122.532467	0.000615572	60730192032016	6	17913.86464	0.000334936
60730207053000	1	8135.041537	0.000122925	60730170482003	3	17914.91008	0.000167458
60730200192002	64	8135.776993	0.007866489	60730083271000	1	17915.75648	5.58168E-05
60730171062010	6	8135.915293	0.000737471	60730170482000	185	17917.53358	0.010325082

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730170662013	10	8136.916955	0.001228967	60730170482001	539	17918.46748	0.030080698
60730207101020	7	8148.82667	0.000859019	60730083272009	5	17926.86578	0.000278911
60730200294005	88	8151.903847	0.010795024	60730083301000	60	17927.39781	0.003346833
60730200212002	15	8152.329937	0.001839965	60730083802006	2	17932.38296	0.00011153
60730207101017	39	8154.209158	0.004782806	60730170092000	544	17933.34957	0.030334545
60730207064013	110	8154.267564	0.013489869	60730170414009	348	17940.71796	0.019397217
60730202062009	2	8155.40907	0.000245236	60730198042003	1	17941.51965	5.57366E-05
60730200192003	3	8169.141262	0.000367236	60730178103015	1	17943.67607	5.57299E-05
60730202062007	1	8179.394471	0.000122258	60730194031018	5	17945.5133	0.000278621
60730170661030	2	8180.620456	0.00024448	60730193033007	4	17949.30766	0.00022285
60730170631001	15	8183.088788	0.001833049	60730188032023	7	17949.73322	0.000389978
60730200193014	5	8183.705843	0.00061097	60730185191000	11	17950.41192	0.000612799
60730170661016	6	8188.980088	0.000732692	60730083532001	69	17960.81717	0.003841696
60730171062008	6	8191.935012	0.000732428	60730170682001	147	17960.8172	0.008184483
60730200193012	3	8194.84376	0.000366084	60730170682016	1	17969.5598	5.56497E-05
60730171131004	2	8194.915117	0.000244054	60730192032017	7	17974.34043	0.000389444
60730170631002	3	8195.42844	0.000366058	60730083303006	3	17979.60438	0.000166856
60730207061013	8	8202.998912	0.000975253	60730083301002	4	17984.95139	0.000222408
60730201091004	18	8204.235529	0.002193989	60730215023003	4	17987.76684	0.000222373
60730200193000	37	8205.193305	0.004509339	60730083652003	9	17989.16435	0.000500301
60730202061006	47	8207.497	0.005726472	60730185192004	12	17991.0538	0.000666998
60730202063000	34	8213.272013	0.004139641	60730083301005	5	17996.37729	0.000277834
60730201072001	24	8214.691749	0.002921595	60730194031020	21	18001.68253	0.001166558
60730200402000	22	8216.214784	0.002677632	60730193033006	13	18002.2438	0.000722132
60730171131003	12	8224.025396	0.001459139	60730178132015	3	18002.26786	0.000166646
60730170642009	3	8234.844035	0.000364306	60730185182002	4	18005.42604	0.000222155
60730200212003	1	8235.634531	0.000121424	60730170482008	3	18005.95534	0.000166612
60730170582000	2	8237.026367	0.000242806	60730170483013	2	18006.57902	0.000111071
60730170641011	1	8237.372	0.000121398	60730178132022	1481	18008.46051	0.082239123
60730171132014	20	8238.117585	0.002427739	60730194032003	144	18011.42806	0.007994924
60730207062002	16	8240.517624	0.001941626	60730083652001	4	18012.07704	0.000222073
60730200212004	8	8240.929014	0.000970764	60730207111028	16	18016.02143	0.000888098
60730200294004	158	8245.053279	0.019163005	60730083303001	142	18019.90268	0.007880176
60730201071015	9	8267.128149	0.001088649	60730194031026	2	18019.9269	0.000110988
60730200192000	5	8268.939437	0.000604672	60730185181007	1	18021.99214	5.54878E-05
60730202063001	1	8273.598764	0.000120866	60730170682015	166	18022.71075	0.009210601
60730200372012	4	8276.834437	0.000483277	60730215023005	10	18023.59146	0.000554828
60730202072004	2	8279.050347	0.000241574	60730170482006	17	18024.68391	0.000943151
60730200193017	2	8280.743687	0.000241524	60730191112018	49	18026.43271	0.002718231
60730207063006	4	8283.707883	0.000482876	60730185181006	5	18030.86933	0.000277302
60730200401008	3	8289.894517	0.000361886	60730198042002	2	18034.7667	0.000110897
60730171132018	8	8295.021382	0.000964434	60730191033017	1	18039.01576	5.54354E-05
60730207051008	1	8296.148634	0.000120538	60730194032004	175	18041.0718	0.009700089
60730170602003	2	8296.373261	0.000241069	60730221012019	658	18045.95741	0.03646246
60730170642010	4	8296.458693	0.000482133	60730170682019	8	18046.41901	0.000443301
60730200372009	18	8311.768874	0.002165604	60730170682003	6	18046.58099	0.000332473
60730207064000	16	8313.122088	0.001924668	60730178102006	13	18048.31387	0.000720289
60730200391012	3	8320.820713	0.000360541	60730083271011	5	18052.91399	0.000276964
60730170661020	3	8322.758054	0.000360457	60730191033024	3	18066.71808	0.000166051
60730203044010	2	8333.917808	0.000239983	60730083271001	10	18067.92438	0.000553467
60730207051005	3	8338.433138	0.00035978	60730191112014	10	18070.85392	0.000553377
60730200291003	56	8347.692105	0.006708441	60730170484004	8	18072.3453	0.000442665
60730202071000	106	8347.724293	0.012698072	60730185191009	12	18075.1504	0.000663895

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730200193016	7	8348.45956	0.000838478	60730192032000	13	18083.73284	0.000718878
60730170632001	1	8349.136302	0.000119773	60730198041005	15	18084.12135	0.000829457
60730201071008	5	8352.573936	0.000598618	60730191032012	103	18085.43054	0.005695192
60730207064010	60	8355.456405	0.007180936	60730170672002	3	18087.79711	0.000165858
60730200192001	3	8358.894825	0.000358899	60730170483000	8	18096.32952	0.000442079
60730200193001	2	8362.396388	0.000239166	60730083533000	3	18097.3301	0.00016577
60730200212000	76	8379.133012	0.009070151	60730083302000	9	18097.92757	0.000497295
60730207101015	17	8383.624446	0.002027763	60730192031001	38	18103.38957	0.002099054
60730170641021	1	8385.072801	0.00011926	60730173071002	142	18104.10674	0.007843524
60730171111034	1	8387.706193	0.000119222	60730185191005	3	18105.8986	0.000165692
60730200151006	8	8391.794857	0.000953312	60730185191003	3	18106.65791	0.000165685
60730170631005	45	8393.614486	0.005361218	60730170671006	1	18107.76938	5.52249E-05
60730202062005	2	8399.419965	0.000238112	60730170492004	238	18107.99515	0.013143366
60730170642011	11	8404.363934	0.001308844	60730198031015	11	18119.91001	0.000607067
60730202061005	1	8408.921969	0.000118921	60730185182004	1	18124.35415	5.51744E-05
60730207063003	20	8418.65568	0.002375676	60730170671005	31	18129.01943	0.001709966
60730200372014	76	8427.598694	0.00901799	60730185191004	20	18132.36079	0.001103
60730170641020	10	8432.280062	0.001185919	60730194031025	8	18139.32442	0.000441031
60730200421005	35	8437.974527	0.004147915	60730178091014	6	18145.15386	0.000330667
60730200391011	21	8444.152874	0.002486928	60730221012018	1275	18145.68977	0.07026462
60730207101019	4	8446.76342	0.000473554	60730194031024	2	18155.39572	0.00011016
60730201071014	32	8447.636372	0.003788042	60730198043005	41	18159.52943	0.002257768
60730201091000	3	8451.000162	0.000354988	60730083272010	2	18164.20512	0.000110107
60730207063008	11	8451.010063	0.00130162	60730185181004	1	18169.97537	5.50358E-05
60730170661029	10	8455.962323	0.001182598	60730198042000	3	18171.38478	0.000165095
60730170631007	5	8458.460258	0.000591124	60730208012010	9	18171.47822	0.000495282
60730200372010	7	8459.692884	0.000827453	60730178091013	8	18186.88932	0.000439877
60730201111015	16	8468.697441	0.001889311	60730192032008	2	18193.08469	0.000109932
60730170642014	1	8469.508184	0.000118071	60730083301008	7	18194.54484	0.000384731
60730171112000	1	8476.697574	0.00011797	60730185181001	2	18203.46545	0.000109869
60730202062004	4	8480.105285	0.000471692	60730083303002	5	18206.15448	0.000274632
60730200391001	5	8480.802943	0.000589567	60730215011006	7	18207.22526	0.000384463
60730170661023	56	8481.367964	0.006602708	60730170102000	4	18209.61514	0.000219664
60730170642020	5	8481.590324	0.000589512	60730185182005	8	18212.73621	0.000439253
60730200401010	5	8482.969149	0.000589416	60730178101013	11	18213.77252	0.000603939
60730202061004	6	8489.3808	0.000706765	60730193033001	1	18214.15621	5.49024E-05
60730200421002	2	8489.398903	0.000235588	60730198042010	13	18218.76412	0.00071355
60730200372006	60	8493.126115	0.007064537	60730215023004	9	18223.28264	0.000493874
60730201051001	14	8495.518921	0.001647928	60730194032000	461	18225.66887	0.025293996
60730207051010	3	8501.205658	0.000352891	60730170431000	692	18228.39054	0.037962759
60730170642015	2	8501.333025	0.000235257	60730083273003	25	18230.16482	0.001371353
60730170662017	5	8502.496474	0.000588063	60730185173002	7	18235.12028	0.000383875
60730171063000	14	8502.8016	0.001646516	60730170484003	2	18238.26927	0.00010966
60730200391002	1	8504.350532	0.000117587	60730170672004	11	18238.53539	0.000603119
60730200191000	3	8505.564036	0.00035271	60730170492003	32	18240.06065	0.00175438
60730170661032	1	8510.008246	0.000117509	60730185171004	3	18243.33512	0.000164444
60730201071000	15	8513.613545	0.001761884	60730178102000	2	18246.68898	0.000109609
60730200391000	33	8516.218391	0.003874959	60730083533001	4	18248.18342	0.0002192
60730200391010	6	8530.66963	0.000703345	60730170483004	4	18253.51469	0.000219136
60730201071009	3	8536.897829	0.000351416	60730193051004	8	18259.4363	0.00043813
60730170662016	3	8539.043696	0.000351327	60730185173000	339	18264.73109	0.018560361
60730170651001	112	8539.829351	0.013115016	60730198033001	68	18267.04055	0.003722552
60730171094016	2	8541.288935	0.000234157	60730083302002	6	18274.12017	0.000328333

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730200422007	37	8543.33323	0.004330862	60730178101015	15	18284.5011	0.000820367
60730207051002	2	8546.324065	0.000234019	60730170672005	6	18285.04746	0.000328137
60730170643011	13	8547.511848	0.00152091	60730192032003	4	18285.85789	0.000218748
60730171121032	6	8551.663591	0.000701618	60730194032007	496	18289.63217	0.027119189
60730200421010	3	8556.113787	0.000350626	60730170483010	1	18295.04195	5.46596E-05
60730200401002	11	8557.946588	0.001285355	60730215023008	4	18303.13636	0.000218542
60730202062003	2	8559.047724	0.000233671	60730198042009	2	18308.3135	0.00010924
60730200362003	2	8560.416074	0.000233634	60730215011005	3	18308.59087	0.000163858
60730170643012	18	8571.021577	0.0021001	60730185191002	10	18309.09768	0.000546177
60730170311000	11	8572.113223	0.001283231	60730170492007	7	18311.70782	0.000382269
60730201092007	2	8574.280915	0.000233256	60730193051003	81	18312.57596	0.00442319
60730171094009	5	8574.924282	0.000583096	60730083271006	4	18319.76111	0.000218343
60730200151004	5	8580.89327	0.00058269	60730185181000	9	18323.24174	0.000491179
60730170651000	116	8582.308227	0.013516177	60730083272006	21	18326.38693	0.001145889
60730200382008	1	8582.55592	0.000116515	60730178132020	1283	18331.68847	0.069988098
60730201072000	17	8588.407929	0.001979412	60730083531000	5	18340.2978	0.000272624
60730200191010	2	8590.130222	0.000232825	60730194032006	234	18343.19822	0.012756772
60730170651003	63	8590.321268	0.007333835	60730170483016	2	18345.77035	0.000109017
60730170662018	15	8594.924823	0.001745216	60730198041006	16	18351.88684	0.000871845
60730170642021	10	8597.043426	0.001163191	60730185181005	2	18352.80226	0.000108975
60730170703000	84	8606.994017	0.009759505	60730198031023	2	18355.20936	0.000108961
60730200151002	2	8607.335669	0.00023236	60730178132004	7	18358.4777	0.000381295
60730170312000	8	8610.876024	0.000929058	60730193051005	1	18358.68066	5.44701E-05
60730203044008	28	8614.298805	0.00325041	60730178102007	2	18359.82334	0.000108934
60730200191008	1	8614.753245	0.00011608	60730083302001	30	18361.69434	0.001633836
60730200382006	19	8615.000589	0.002205455	60730083272007	1	18367.29155	5.44446E-05
60730201112012	11	8618.380125	0.001276342	60730083271004	1	18370.26313	5.44358E-05
60730207051001	1	8623.677755	0.00011596	60730191034012	6	18372.40681	0.000326577
60730170602008	2	8624.740841	0.000231891	60730191032011	20	18376.64753	0.001088338
60730170643014	16	8650.7298	0.001849555	60730170092005	107	18378.52197	0.005822013
60730200401009	13	8654.927688	0.001502035	60730083301006	9	18385.67023	0.000489512
60730200193009	1	8656.464672	0.000115521	60730083533002	22	18388.26946	0.001196415
60730207062009	35	8658.257991	0.004042384	60730178101014	4	18389.01062	0.000217521
60730200382013	4	8658.752839	0.00046196	60730185171003	3	18395.72064	0.000163081
60730200371001	13	8661.318967	0.001500926	60730170441000	181	18405.40418	0.009834068
60730207101016	1	8662.640839	0.000115438	60730191034009	3	18405.91972	0.000162991
60730170651012	2	8663.143389	0.000230863	60730215011004	11	18406.51174	0.000597615
60730207062001	38	8664.264402	0.004385831	60730194032009	6	18408.53564	0.000325936
60730207051004	4	8666.244376	0.000461561	60730083301007	4	18411.19497	0.000217259
60730171094001	6	8666.615623	0.000692312	60730083531002	11	18414.85749	0.000597344
60730170661024	16	8671.005052	0.00184523	60730083271003	8	18426.84414	0.000434149
60730200381004	63	8673.539361	0.007263471	60730170483015	3	18430.4733	0.000162774
60730170651028	28	8677.43129	0.003226761	60730193033002	36	18433.64597	0.001952951
60730207061007	7	8680.755882	0.000806381	60730170492010	69	18435.12807	0.003742854
60730200313012	2	8685.328624	0.000230273	60730191112017	13	18437.9547	0.000705067
60730170703004	2	8688.900194	0.000230179	60730208012002	122	18442.19848	0.006615263
60730170651030	1	8690.584348	0.000115067	60730185173006	301	18442.97286	0.016320579
60730207063004	4	8692.362152	0.000460174	60730193033000	144	18447.7391	0.007805835
60730201092003	31	8695.45336	0.003565082	60730170483008	4	18453.40148	0.000216762
60730200391009	15	8697.72724	0.001724588	60730178102001	5	18458.56234	0.000270877
60730171094015	12	8697.765655	0.001379665	60730083531003	2	18458.65172	0.00010835
60730170703002	3	8698.630798	0.000344882	60730083811000	2	18466.97162	0.000108301
60730170573000	1	8700.505954	0.000114936	60730083461004	8	18475.4629	0.000433007

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730170312004	97	8704.555457	0.01114359	60730170672007	1	18479.00186	5.41155E-05
60730200191003	12	8706.69498	0.00137825	60730083303003	8	18486.96049	0.000432737
60730170651019	8	8709.498563	0.000918537	60730193052012	61	18492.24964	0.003298679
60730170311001	1	8714.632612	0.00011475	60730083302003	12	18495.57138	0.000648804
60730202062001	1	8719.158889	0.00011469	60730198041000	28	18501.97444	0.001513352
60730202072000	247	8719.770727	0.028326433	60730172021002	78	18505.4348	0.004214978
60730200322008	8	8723.950318	0.000917016	60730172011004	2	18520.01141	0.000107991
60730200362001	12	8724.951783	0.001375366	60730083531007	1	18527.442	5.3974E-05
60730202061001	2	8728.510491	0.000229134	60730170092004	79	18530.98769	0.004263129
60730171111035	2	8728.724938	0.000229129	60730215023007	4	18534.77781	0.000215811
60730207061008	27	8729.407452	0.003092993	60730170492011	14	18535.08091	0.000755324
60730202072002	327	8734.598596	0.037437324	60730194032008	556	18535.45534	0.029996565
60730170651020	1	8738.761951	0.000114433	60730193052017	1	18539.41601	5.39391E-05
60730170703007	78	8739.282561	0.008925218	60730198042006	3	18541.63123	0.000161798
60730170602005	6	8744.527116	0.000686143	60730178101012	3	18545.04107	0.000161768
60730170703005	110	8747.54889	0.012574951	60730185171000	10	18547.86773	0.000539146
60730170643015	1	8748.323193	0.000114308	60730185162000	10	18547.98914	0.000539142
60730170703006	32	8758.131093	0.003653748	60730170682009	26	18552.53479	0.001401426
60730200362004	7	8761.129651	0.000798984	60730170671007	4	18552.65761	0.000215603
60730207051003	14	8765.622316	0.001597148	60730193052021	2	18553.61678	0.000107796
60730200151001	11	8770.721303	0.001254173	60730178091000	25	18555.21206	0.00134733
60730200391003	8	8779.694863	0.000911193	60730178132009	5	18557.55989	0.000269432
60730170703003	31	8791.534218	0.003526119	60730083533004	7	18559.01805	0.000377175
60730171063001	5	8794.883587	0.000568512	60730170484000	985	18561.79503	0.053065988
60730171112001	10	8801.896722	0.001136119	60730083722009	6	18564.10251	0.000323204
60730170643016	1	8806.718489	0.00011355	60730170102002	2	18565.84123	0.000107725
60730202061000	2	8809.190475	0.000227036	60730083273008	1	18566.56001	5.38603E-05
60730200422010	184	8812.588135	0.020879224	60730215011003	65	18574.34036	0.003499451
60730170651022	5	8813.504467	0.000567311	60730193051008	1	18577.06263	5.38298E-05
60730201071013	2	8816.044552	0.000226859	60730193052019	3	18577.79789	0.000161483
60730170651038	79	8825.528858	0.008951305	60730083812002	1	18578.02819	5.3827E-05
60730201101041	2	8828.811656	0.000226531	60730170484005	8	18578.17675	0.000430613
60730171094002	1	8830.307898	0.000113246	60730192032001	8	18578.27046	0.000430611
60730170311002	1	8831.066332	0.000113237	60730192092002	100	18585.86072	0.005380434
60730201092004	2	8835.779965	0.000226352	60730083271002	57	18590.16163	0.003066138
60730200313002	1	8839.482962	0.000113129	60730083473000	1	18590.57931	5.37907E-05
60730200193006	6	8848.896104	0.000678051	60730192092023	6	18590.92042	0.000322738
60730200313015	1	8849.076716	0.000113006	60730193052024	1	18592.27308	5.37858E-05
60730200313016	10	8855.715307	0.001129214	60730188034022	8	18593.40341	0.00043026
60730200362002	17	8858.00984	0.001919167	60730083461001	22	18598.34995	0.001182901
60730170651036	16	8861.593359	0.001805544	60730083811001	26	18599.73998	0.001397869
60730201101013	2	8867.789957	0.000225535	60730170682002	8	18605.99424	0.000429969
60730171094008	4	8872.107447	0.000450851	60730170102004	2	18607.52638	0.000107483
60730202093002	1	8877.895494	0.000112639	60730178102002	10	18608.04151	0.000537402
60730207063000	16	8878.454725	0.001802115	60730172021011	53	18609.78193	0.002847965
60730200391004	28	8879.166522	0.003153449	60730170682011	2	18610.54308	0.000107466
60730170703008	87	8883.382336	0.009793567	60730215023011	520	18611.48892	0.027939731
60730170311003	3	8897.791767	0.000337162	60730083461003	1	18617.23148	5.37137E-05
60730170651039	123	8906.83901	0.013809613	60730193052023	1	18620.27965	5.37049E-05
60730171094003	2	8906.882988	0.000224545	60730083271008	1	18621.42208	5.37016E-05
60730170652015	1	8907.99857	0.000112259	60730191112012	9	18629.72057	0.000483099
60730200401000	63	8913.959617	0.007067566	60730178091002	2	18639.09742	0.000107301
60730170651032	2	8916.241047	0.00022431	60730178132019	4	18639.55488	0.000214597

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730170652042	11	8917.713267	0.0012335	60730193052013	1	18641.38381	5.36441E-05
60730201111016	14	8917.754346	0.001569902	60730170431001	11	18648.03077	0.000589875
60730171094004	1	8928.379775	0.000112002	60730170492012	184	18656.85619	0.009862326
60730202081012	8	8935.653754	0.00089529	60730083473001	15	18660.08842	0.000803855
60730201111018	10	8936.389446	0.00111902	60730083302005	3	18666.46826	0.000160716
60730170651015	3	8937.079279	0.00033568	60730083303005	1	18666.54035	5.35718E-05
60730170661038	15	8945.119552	0.001676892	60730083691001	88	18671.40333	0.00471309
60730170703009	33	8946.228854	0.003688705	60730170102001	1	18677.5608	5.35402E-05
60730171094013	1	8948.168592	0.000111755	60730083271007	9	18678.9073	0.000481827
60730170602007	1	8951.867639	0.000111709	60730193052011	1	18680.46808	5.35318E-05
60730200381010	17	8954.411427	0.001898506	60730170431003	3	18682.08768	0.000160582
60730202093001	1	8956.596275	0.00011165	60730191113004	343	18687.39289	0.01835462
60730170703011	498	8957.745209	0.055594348	60730170441004	1	18691.41941	5.35005E-05
60730170652002	1	8961.313117	0.000111591	60730185162002	7	18691.79243	0.000374496
60730200381012	10	8962.321644	0.001115782	60730083812000	6	18693.63212	0.000320965
60730170313001	38	8964.568736	0.00423891	60730178102004	7	18697.96499	0.000374372
60730170311006	13	8968.679575	0.001449489	60730083523002	1	18700.12366	5.34756E-05
60730200391006	2	8971.451454	0.000222929	60730170431002	19	18701.6965	0.001015951
60730170313002	28	8975.245308	0.003119692	60730193052009	2	18702.19558	0.000106939
60730202081002	15	8976.562097	0.001671018	60730178132008	7	18702.26288	0.000374286
60730201092002	10	8976.784717	0.001113985	60730170102005	5	18702.93888	0.000267338
60730170662006	4	8979.587133	0.000445455	60730170431004	4	18707.06801	0.000213823
60730200372000	3	8981.634653	0.000334015	60730185172000	10	18710.75284	0.000534452
60730170652035	1	8982.542214	0.000111327	60730083473003	2	18720.3544	0.000106836
60730170583001	9	8987.266839	0.001001417	60730083302004	29	18721.78096	0.001548998
60730207062008	7	9002.813111	0.000777535	60730083522001	4	18724.89847	0.000213619
60730170583000	2	9003.428712	0.000222138	60730198033005	3	18725.32488	0.000160211
60730170573001	513	9004.576897	0.056971028	60730193042008	63	18727.6612	0.003364008
60730200322003	12	9005.480651	0.001332522	60730188032018	10	18727.98679	0.00053396
60730201101033	1	9010.690135	0.000110979	60730170102015	1	18728.26029	5.33952E-05
60730170703010	76	9018.574952	0.008427052	60730083471002	1	18739.24082	5.3364E-05
60730202081001	7	9024.195307	0.000775692	60730215023001	6	18742.76783	0.000320123
60730201111001	30	9024.963869	0.003324113	60730083303004	4	18745.43295	0.000213385
60730200362000	54	9025.541447	0.005983021	60730193052020	3	18749.36424	0.000160005
60730170702000	1	9028.124766	0.000110765	60730083801000	30	18751.63293	0.001599861
60730170651026	1	9031.695433	0.000110721	60730170102016	37	18752.02327	0.00197312
60730171062007	6	9036.365434	0.000663984	60730178132021	84	18753.38127	0.004479192
60730171094005	4	9037.323679	0.000442609	60730193052010	2	18753.5713	0.000106646
60730201101038	6	9038.053942	0.00066386	60730170672013	2	18762.13323	0.000106598
60730170652001	9	9040.698219	0.000995498	60730185173005	1	18762.68573	5.32973E-05
60730200151012	2	9042.391916	0.00022118	60730185173004	2	18762.71192	0.000106594
60730200382005	93	9043.994424	0.010283067	60730170442001	1	18771.23788	5.3273E-05
60730200391007	4	9045.059272	0.00044223	60730193051001	1	18783.78381	5.32374E-05
60730200313001	7	9047.784934	0.00077367	60730170433000	1081	18786.47269	0.057541403
60730200381011	2	9059.458294	0.000220764	60730193051000	13	18794.64302	0.000691686
60730207061006	29	9059.659692	0.003201003	60730083471001	1	18795.08467	5.32054E-05
60730170651016	2	9063.964643	0.000220654	60730083273004	16	18798.22441	0.000851144
60730201101032	1	9067.333545	0.000110286	60730191034015	4	18805.4428	0.000212704
60730171094011	233	9072.641236	0.025681606	60730083311001	1	18811.7056	5.31584E-05
60730170652011	5	9073.566166	0.000551051	60730083521001	1	18813.91304	5.31522E-05
60730170702001	1	9077.825182	0.000110159	60730172021010	722	18820.44131	0.038362544
60730171062012	6	9080.705981	0.000660742	60730178091010	12	18825.63276	0.000637429
60730171094018	1	9081.654671	0.000110112	60730193051009	14	18826.85737	0.000743619

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730200401001	63	9087.765373	0.006932397	60730083271010	1	18827.60932	5.31135E-05
60730171094007	2	9089.201917	0.000220041	60730185172005	5	18828.13103	0.00026556
60730200381002	3	9090.98668	0.000329997	60730083521000	7	18831.01516	0.000371727
60730200381000	2	9092.219666	0.000219968	60730083471000	9	18834.0433	0.000477858
60730170652044	2	9097.101958	0.00021985	60730191032013	24	18835.36902	0.001274199
60730170651009	21	9104.078021	0.002306659	60730083523000	1	18837.15052	5.30866E-05
60730200372007	2	9105.540926	0.000219646	60730083532003	3	18837.68968	0.000159255
60730171112007	1	9106.759957	0.000109809	60730083471003	2	18837.82695	0.000106169
60730201101026	14	9111.622331	0.001536499	60730193052005	11	18838.22135	0.000583919
60730171094017	4	9111.642891	0.000438999	60730170102014	25	18846.12037	0.001326533
60730170652010	14	9122.381003	0.001534687	60730185171001	1769	18847.12722	0.093860458
60730200313009	5	9125.027483	0.000547944	60730083311003	5	18849.63063	0.000265257
60730170311004	6	9144.034868	0.000656165	60730178101010	21	18851.31317	0.001113981
60730200322000	36	9144.763173	0.003936679	60730170492013	2	18851.37852	0.000106093
60730170652005	1	9146.380156	0.000109333	60730191034002	4	18854.74078	0.000212148
60730170583003	16	9147.993848	0.001749017	60730185172008	3	18859.50412	0.000159071
60730170573003	4	9148.707546	0.00043722	60730185221022	305	18860.3974	0.016171451
60730202093000	8	9155.640529	0.000873778	60730083812003	1	18863.5433	5.30123E-05
60730201101025	3	9169.023438	0.000327189	60730198041001	6	18865.10714	0.000318047
60730207062006	7	9173.622572	0.000763057	60730178091011	8	18869.76409	0.000423959
60730203044005	249	9173.981015	0.027141979	60730178102003	145	18874.1438	0.007682468
60730201101039	12	9177.974325	0.001307478	60730193011007	1	18879.49396	5.29675E-05
60730201111014	22	9185.438388	0.002395095	60730185161000	781	18881.95695	0.041362238
60730201101011	1	9186.106055	0.00010886	60730170672008	36	18883.70253	0.001906406
60730170702008	2	9190.087808	0.000217626	60730198041007	9	18884.95533	0.00047657
60730207062007	54	9198.550684	0.00587049	60730170442003	18	18886.94749	0.000953039
60730170701001	8	9203.444488	0.00086924	60730083473004	4	18886.96748	0.000211786
60730200193002	210	9205.720567	0.022811902	60730172021008	17	18887.22223	0.000900079
60730202081004	43	9207.519608	0.004670096	60730083812004	2	18900.21127	0.000105819
60730170652007	117	9208.239978	0.012706011	60730215023010	6	18901.66088	0.000317432
60730200381008	1	9216.572722	0.0001085	60730083523001	5	18907.41339	0.000264447
60730207121004	158	9219.602606	0.017137398	60730083241005	529	18910.27609	0.027974208
60730200313007	15	9219.68588	0.001626953	60730083471005	3	18919.40805	0.000158567
60730170711007	132	9224.150698	0.014310261	60730083522002	74	18920.54233	0.003911093
60730170311005	17	9224.788149	0.001842861	60730170492008	52	18920.62482	0.002748324
60730171091000	8	9225.38838	0.000867172	60730193052006	5	18925.01767	0.000264201
60730202081011	11	9229.519118	0.001191828	60730193052004	1	18929.24429	5.28283E-05
60730200381001	1	9230.74845	0.000108334	60730191034014	3	18929.48447	0.000158483
60730207061003	1	9236.641823	0.000108264	60730170492001	783	18933.98826	0.041354203
60730202081008	2	9240.058106	0.000216449	60730083722008	33	18936.09162	0.001742704
60730200371000	38	9241.751365	0.004111775	60730083691002	20	18937.10853	0.001056127
60730200151014	5	9250.923949	0.000540487	60730172011010	1	18942.00152	5.27927E-05
60730202081009	10	9257.873505	0.001080162	60730172021012	14	18946.59985	0.000738919
60730200372002	1	9258.824052	0.000108005	60730193052007	4	18953.19163	0.000211046
60730202091001	155	9263.700885	0.016731974	60730172021014	10	18955.42461	0.000527553
60730201101023	4	9268.42335	0.000431573	60730185172001	1	18959.32933	5.27445E-05
60730207121006	21	9276.193823	0.00226386	60730083692005	171	18961.13322	0.009018448
60730170652009	6	9277.566242	0.000646721	60730191112013	26	18961.435	0.001371204
60730170313000	263	9281.765749	0.028335126	60730083812005	4	18964.06143	0.000210925
60730207061002	30	9284.228677	0.003231286	60730191033018	30	18971.64328	0.001581307
60730201101008	3	9293.057419	0.000322822	60730178101011	4	18977.65835	0.000210774
60730202081005	4	9299.181936	0.000430145	60730170431009	11	18978.18819	0.000579613
60730170701002	3	9299.455206	0.0003226	60730170484009	83	18980.72964	0.004372856

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730201101010	5	9303.904794	0.000537409	60730172011005	99	18981.89632	0.005215496
60730201111010	31	9315.433947	0.003327811	60730193032013	6	18996.78659	0.000315843
60730202092000	841	9317.990912	0.090255508	60730083691000	1164	18996.82455	0.061273398
60730203044009	2	9326.464922	0.000214444	60730191034011	11	18998.70558	0.000578987
60730201101031	22	9333.180589	0.002357181	60730170442000	91	19001.81324	0.004789017
60730171062013	22	9335.031773	0.002356714	60730170484008	556	19003.21047	0.029258214
60730170701000	1	9338.202264	0.000107087	60730083311006	1	19006.16971	5.26145E-05
60730170652013	9	9341.086072	0.000963485	60730083692000	474	19015.07018	0.024927597
60730170652030	2	9345.084652	0.000214016	60730083241013	3	19018.27433	0.000157743
60730201101030	4	9351.9716	0.000427717	60730193042006	7	19018.34667	0.000368066
60730170652003	57	9356.757641	0.006091854	60730191034008	5	19019.03147	0.000262895
60730171094012	55	9360.381556	0.005875829	60730083311005	310	19023.7601	0.016295412
60730200361000	570	9361.445059	0.060888036	60730083471004	4	19028.93738	0.000210206
60730207121005	53	9364.193629	0.005659857	60730191071016	2	19044.82788	0.000105015
60730170711006	3518	9365.932917	0.375616613	60730170492009	4	19046.16638	0.000210016
60730171063009	6	9369.078098	0.000640405	60730083311000	51	19047.36151	0.002677536
60730200191015	183	9371.798413	0.019526668	60730170102012	86	19050.63814	0.004514284
60730201101043	2	9382.523864	0.000213162	60730170492005	1402	19052.83049	0.073584867
60730201101042	2	9390.947839	0.000212971	60730193041005	5	19055.24842	0.000262395
60730200313000	23	9391.50617	0.002449021	60730083742001	58	19062.24782	0.003042663
60730171094006	15	9402.478864	0.001595324	60730083471007	3	19070.28983	0.000157313
60730200322005	6	9404.528795	0.00063799	60730083521005	12	19071.68437	0.000629205
60730171063008	12	9411.724196	0.001275005	60730083241011	2	19078.54614	0.00010483
60730170571000	66	9412.295782	0.007012104	60730083532002	2	19091.05553	0.000104761
60730202081000	1	9419.542742	0.000106162	60730170102011	5	19091.61273	0.000261895
60730170652016	3	9425.242457	0.000318294	60730193041007	1	19094.81105	5.23702E-05
60730200361002	92	9428.160332	0.009758001	60730193052002	3	19096.32577	0.000157098
60730200193005	1	9431.387071	0.000106029	60730185221016	503	19099.84644	0.02633529
60730201111013	9	9433.44193	0.000954053	60730191112004	4	19101.72629	0.000209405
60730170702006	4	9434.542036	0.000423974	60730192031000	13	19105.57484	0.00068043
60730201111005	1	9437.903608	0.000105956	60730178091004	4	19108.596	0.00020933
60730201112009	17	9439.7848	0.001800889	60730178102005	41	19111.03192	0.002145358
60730200322007	25	9446.510965	0.00264648	60730083801001	12	19112.62454	0.000627857
60730202091003	5	9462.195347	0.000528419	60730172021015	2	19118.25006	0.000104612
60730171112002	65	9463.132172	0.006868762	60730170451006	2	19120.72205	0.000104599
60730170701004	5	9463.711177	0.000528334	60730170484011	2	19122.49461	0.000104589
60730200312008	32	9463.827915	0.003381296	60730185161001	76	19123.95313	0.003974074
60730200151020	7	9464.851916	0.000739578	60730178013002	20	19134.51446	0.001045232
60730170702005	3	9468.380025	0.000316844	60730083473005	8	19138.50157	0.000418006
60730200381007	2	9468.747165	0.000211221	60730170431007	9	19139.60112	0.000470229
60730200151015	8	9487.997465	0.000843171	60730083523003	63	19142.09115	0.003291176
60730170652000	186	9497.478347	0.019584146	60730170484010	813	19144.96155	0.042465481
60730200193007	5	9501.99205	0.000526205	60730083811005	4	19146.90808	0.000208911
60730207101014	73	9502.092766	0.007682518	60730170491001	1	19148.6735	5.22229E-05
60730203044013	160	9510.279545	0.016823901	60730185221015	170	19149.47973	0.008877526
60730202081006	2	9514.244188	0.000210211	60730083522003	3	19151.72431	0.000156644
60730170652018	6	9518.518486	0.00063035	60730191112001	86	19153.41747	0.00449006
60730171093000	460	9519.85083	0.048320085	60730083471008	2	19158.13733	0.000104394
60730170601001	43	9524.492928	0.004514676	60730178091009	84	19158.3014	0.004384522
60730201111002	41	9531.939934	0.004301328	60730083522004	7	19160.3986	0.000365337
60730201101022	3	9533.518378	0.000314679	60730083311010	13	19161.17929	0.000678455
60730200172025	140	9546.708183	0.014664741	60730178132001	203	19165.2256	0.010592101
60730171111039	5	9546.766258	0.000523738	60730193041004	2	19180.15	0.000104274

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730201101004	1	9561.080839	0.000104591	60730170491000	2	19180.21142	0.000104274
60730207062003	42	9564.442951	0.004391265	60730083801004	9	19182.34186	0.000469182
60730201102025	12	9566.14995	0.001254423	60730193011008	21	19184.73607	0.00109462
60730170711001	1211	9579.117197	0.126420836	60730198031005	10	19185.90966	0.000521216
60730170583002	390	9587.669048	0.040677249	60730191102017	29	19186.72527	0.001511462
60730200191014	1138	9591.995047	0.118640595	60730172012002	11	19187.32785	0.000573295
60730171094014	54	9592.180344	0.005629586	60730188032013	8	19189.72299	0.00041689
60730200151018	7	9593.541297	0.000729658	60730185152002	1	19192.52394	5.21036E-05
60730199032034	1	9605.930403	0.000104102	60730083532008	5	19199.50896	0.000260423
60730171091001	2	9612.40145	0.000208065	60730083811007	3	19199.98424	0.00015625
60730200172026	175	9613.532949	0.018203506	60730083471006	32	19203.36978	0.001666374
60730171062015	5	9615.650785	0.000519986	60730188034021	47	19203.48941	0.002447472
60730200151016	1	9622.607836	0.000103922	60730083811004	5	19206.6367	0.000260327
60730199032036	145	9631.09788	0.015055397	60730191034000	3	19225.53779	0.000156042
60730200312006	13	9632.435594	0.001349607	60730083692001	6135	19232.04703	0.318998804
60730201102023	57	9640.977896	0.005912263	60730198041004	2	19235.27197	0.000103976
60730171132017	5	9641.624454	0.000518585	60730185161006	2	19235.82333	0.000103973
60730200322006	10	9642.738599	0.00103705	60730178101009	67	19239.97031	0.003482334
60730200382003	1	9645.856715	0.000103671	60730083475003	4	19240.13432	0.000207899
60730170583010	2	9654.749697	0.000207152	60730083811008	3	19243.25844	0.000155899
60730207061005	3	9655.839073	0.000310693	60730083241008	5	19243.54396	0.000259827
60730170702003	39	9661.512854	0.004036635	60730172011014	5	19246.16921	0.000259792
60730202102005	1	9669.800452	0.000103415	60730083521006	2	19246.88928	0.000103913
60730170712001	165	9670.165125	0.01706279	60730083471010	34	19251.49329	0.001766097
60730200313005	1	9671.667342	0.000103395	60730185152007	8	19254.54693	0.000415486
60730201101006	3	9673.607172	0.000310122	60730185152000	172	19261.85198	0.008929567
60730201102005	12	9674.620258	0.001240359	60730083472000	2	19264.15789	0.00010382
60730200382002	2	9684.310113	0.00020652	60730172022006	7	19266.49413	0.000363325
60730170711002	3631	9684.797826	0.374917481	60730172021023	1	19268.06063	5.18994E-05
60730170712002	4	9688.294697	0.000412869	60730191071015	5	19278.48839	0.000259356
60730201102004	1	9688.421826	0.000103216	60730191033023	1	19282.46395	5.18606E-05
60730170652004	1	9698.931175	0.000103104	60730083241034	2	19283.27853	0.000103717
60730171111041	14	9705.708293	0.00144245	60730185221018	30	19283.35533	0.001555746
60730170661042	18	9708.982575	0.001853953	60730193052000	1	19285.54664	5.18523E-05
60730170702016	3	9710.031827	0.000308959	60730178013000	12	19287.88196	0.000622152
60730200382000	12	9715.017621	0.001235201	60730083474002	22	19293.48439	0.001140281
60730201113011	1	9716.940172	0.000102913	60730193041002	1	19295.47	5.18256E-05
60730202102003	123	9717.070482	0.012658136	60730170431006	2	19301.82377	0.000103617
60730170712003	1	9719.235443	0.000102889	60730170433004	17	19309.51922	0.000880395
60730200312016	9	9729.742641	0.000924999	60730170444000	32	19323.8868	0.001655982
60730200172024	944	9758.216993	0.096738984	60730083491000	11	19325.39186	0.000569199
60730207121000	127	9778.094884	0.012988215	60730191034003	2	19328.30894	0.000103475
60730199032023	2	9780.089306	0.000204497	60730170433001	13	19328.90762	0.000672568
60730202101004	2	9782.247536	0.000204452	60730172011013	1	19332.0804	5.17275E-05
60730170601000	2	9788.031741	0.000204331	60730172012007	45	19338.66283	0.002326945
60730201102022	89	9788.791026	0.009092032	60730193032021	679	19338.75966	0.035110835
60730203044012	1	9789.120784	0.000102154	60730185161003	1	19343.35463	5.16973E-05
60730171093002	37	9791.024395	0.003778971	60730083722003	37	19345.08661	0.00191263
60730207061010	1406	9794.261532	0.143553447	60730083722015	1	19352.53255	5.16728E-05
60730200173001	4	9797.576635	0.000408264	60730083551001	5	19354.50359	0.000258338
60730170711000	825	9804.563923	0.084144487	60730083562001	2	19370.80204	0.000103248
60730200312005	142	9807.028407	0.014479412	60730178013011	11	19373.59545	0.000567783
60730171091006	8	9810.761718	0.000815431	60730185221017	799	19378.2977	0.041231692

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730170701008	4	9817.515718	0.000407435	60730170451007	13	19380.07424	0.000670792
60730170701007	2	9822.328928	0.000203618	60730083311012	7	19380.6392	0.000361185
60730201113007	11	9825.456855	0.001119541	60730178091008	66	19390.32246	0.00340376
60730200382001	42	9838.128999	0.004269104	60730083241007	5	19396.02806	0.000257785
60730200151007	5	9849.542697	0.000507638	60730178091005	54	19396.03214	0.002784075
60730200173000	2	9849.713222	0.000203052	60730193041001	6	19402.58797	0.000309237
60730200172031	229	9849.934235	0.023248886	60730083562000	2	19403.97876	0.000103072
60730207122007	1	9855.039739	0.000101471	60730170433005	4	19404.16814	0.000206141
60730200172027	1	9866.266392	0.000101355	60730083311009	57	19409.73361	0.002936671
60730207061001	2	9868.452981	0.000202666	60730191112008	151	19410.76537	0.007779188
60730200172008	404	9879.36048	0.040893335	60730170431010	6	19411.01281	0.000309103
60730170701006	10	9890.487867	0.001011072	60730083702000	38	19412.98471	0.001957453
60730170141005	1419	9901.091725	0.143317529	60730170451004	9	19416.24648	0.000463529
60730200311004	2	9912.588843	0.000201764	60730178013006	6	19416.39236	0.000309017
60730201101002	49	9916.256719	0.004941381	60730170444001	6	19417.88462	0.000308993
60730200332003	1	9917.522415	0.000100832	60730178101000	11	19419.67078	0.000566436
60730200151008	3	9925.379678	0.000302255	60730083552004	5	19421.10334	0.000257452
60730170652031	1	9935.753429	0.000100647	60730185221014	225	19423.56073	0.01158387
60730170601007	9	9936.872942	0.000905718	60730178101008	13	19427.30713	0.000669161
60730207121003	1	9946.091545	0.000100542	60730208012011	6	19429.58588	0.000308807
60730200172013	356	9948.795117	0.035783228	60730083552007	6	19436.52606	0.000308697
60730199032021	5	9949.952352	0.000502515	60730170431011	5	19437.18934	0.000257239
60730201102006	208	9954.088872	0.020895936	60730170492014	561	19440.61866	0.028857106
60730171093003	7	9954.352501	0.00070321	60730083551002	2	19444.15031	0.000102859
60730200311003	1	9955.994522	0.000100442	60730193031019	19	19446.3965	0.000977045
60730170601003	29	9957.756053	0.002912303	60730170491004	24	19447.45206	0.001234095
60730170711005	2671	9958.786092	0.268205379	60730172012008	11	19450.79757	0.00056553
60730200332000	8	9961.449468	0.000803096	60730083722013	1	19450.87925	5.14116E-05
60730207121001	36	9977.314074	0.003608186	60730178013003	7	19453.2689	0.000359837
60730203044011	29	9983.618995	0.002904758	60730172022005	1	19454.35071	5.14024E-05
60730201102021	16	9996.908477	0.001600495	60730193042002	5	19462.98371	0.000256898
60730170702015	1	9999.12767	0.000100009	60730083692004	669	19463.42316	0.034372165
60730199022014	70	10000.11138	0.006999922	60730178101007	2	19464.65335	0.00010275
60730200172001	38	10000.26846	0.003799898	60730083562005	1	19466.40793	5.13705E-05
60730171092003	4	10000.46613	0.000399981	60730083742008	11	19470.20987	0.000564966
60730198111028	153	10008.28133	0.01528734	60730198031006	3	19479.02247	0.000154012
60730200312012	5	10010.28414	0.000499486	60730170492006	167	19485.09947	0.008570652
60730170711003	5397	10012.80922	0.539009571	60730083562002	5	19487.45054	0.000256575
60730171092004	1	10018.87989	9.98116E-05	60730083551000	5	19487.4986	0.000256575
60730170592000	101	10020.27895	0.01007956	60730193042001	66	19492.24095	0.003385963
60730200351008	13	10027.01909	0.001296497	60730083475002	5	19492.29854	0.000256512
60730199032012	6	10035.90629	0.000597853	60730193032016	10	19499.24856	0.00051284
60730200152002	6	10041.55679	0.000597517	60730083311008	5	19499.75785	0.000256413
60730170592007	1	10041.90256	9.95827E-05	60730083722012	4	19504.57597	0.00020508
60730199032035	4	10043.88087	0.000398252	60730185223008	1087	19508.47566	0.055719371
60730171091004	14	10046.27321	0.001393552	60730170492029	827	19512.16195	0.042383822
60730171091005	8	10048.06539	0.000796173	60730185152001	1	19512.57828	5.1249E-05
60730170702010	2	10049.7873	0.000199009	60730083742010	2	19519.1499	0.000102463
60730170701013	1	10050.85353	9.9494E-05	60730172022027	3	19520.57027	0.000153684
60730203044004	1	10052.42489	9.94785E-05	60730083801003	14	19522.15919	0.000717134
60730200152004	10	10054.15878	0.000994613	60730170441002	1	19524.02256	5.1219E-05
60730200332009	77	10055.30354	0.00765765	60730191112006	1004	19524.45253	0.051422697
60730171062016	2	10060.39541	0.000198799	60730170101000	112	19530.35002	0.005734664

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730199032009	6	10071.03817	0.000595768	60730191102016	2	19534.00061	0.000102386
60730171092002	149	10079.46448	0.014782531	60730172022026	9	19534.11928	0.000460732
60730201102020	9	10079.72915	0.000892881	60730083241029	1	19535.00164	5.11902E-05
60730200172004	493	10080.23055	0.048907612	60730193041000	1	19537.83483	5.11827E-05
60730192081026	5	10081.19309	0.000495973	60730083241009	13	19537.83636	0.000665376
60730202102001	9	10087.57565	0.000892187	60730170432005	1	19538.30949	5.11815E-05
60730201102002	2	10087.7971	0.000198259	60730178091007	5	19543.57434	0.000255839
60730170601008	5	10093.51232	0.000495368	60730083562003	1	19547.42039	5.11576E-05
60730200172015	231	10094.7648	0.022883148	60730172022002	191	19554.78403	0.009767431
60730200332001	32	10100.63622	0.003168117	60730185161004	1	19556.05026	5.11351E-05
60730171092000	48	10100.90835	0.004752048	60730083491001	2	19556.49328	0.000102268
60730171063010	19	10109.50512	0.001879419	60730178101004	16	19561.89141	0.000817917
60730170573005	2	10117.49304	0.000197677	60730083562004	1	19567.22094	5.11059E-05
60730170711004	1039	10125.23618	0.10261489	60730170432002	1	19578.24831	5.10771E-05
60730200172023	340	10126.64115	0.033574805	60730083241030	4	19578.3513	0.000204307
60730170592006	2	10135.14679	0.000197333	60730172022016	3	19580.09691	0.000153217
60730171062018	45	10136.8301	0.004439258	60730188032015	2	19580.3384	0.000102143
60730200312013	108	10148.85398	0.010641596	60730083552001	40	19581.08289	0.002042788
60730200172006	2	10154.37519	0.000196959	60730083722007	1	19583.12809	5.10644E-05
60730200351006	6	10157.243	0.000590711	60730083562006	23	19584.64099	0.00117439
60730200303007	13	10159.48346	0.001279593	60730083552000	65	19584.72697	0.003318913
60730200172005	152	10167.17363	0.014950074	60730193011006	5	19595.32621	0.000255163
60730170661033	23	10171.395	0.002261243	60730198031011	704	19596.17194	0.035925384
60730199032020	5	10173.18325	0.000491488	60730172012006	163	19601.99276	0.008315481
60730170572000	48	10176.20629	0.004716886	60730208012022	1	19607.70915	5.10003E-05
60730192081025	18	10184.47391	0.001767396	60730170492031	833	19610.00306	0.042478321
60730200332008	6	10186.06057	0.00058904	60730170451008	2	19616.43689	0.000101955
60730171112011	8	10186.28918	0.000785369	60730083552006	14	19616.54747	0.000713683
60730200351000	11	10189.07725	0.001079587	60730170101004	3	19617.64612	0.000152924
60730201102027	3	10194.33827	0.000294281	60730208012019	58	19618.65293	0.00295637
60730201102018	2	10195.20523	0.000196171	60730083551004	3	19619.06602	0.000152912
60730170602001	94	10206.25675	0.009210037	60730185161005	2	19620.4686	0.000101934
60730200172022	122	10206.33155	0.011953364	60730083702001	2	19623.70424	0.000101918
60730201113004	26	10208.07063	0.002547004	60730083474004	19	19628.29661	0.00096799
60730170701012	2	10211.40592	0.000195859	60730172022011	6	19632.05854	0.000305623
60730200351007	2	10215.07743	0.000195789	60730083552009	4	19634.68681	0.000203721
60730207123004	1	10223.87951	9.78102E-05	60730083241031	3	19636.65088	0.000152776
60730200311000	23	10224.18112	0.002249569	60730178091015	26	19636.80501	0.001324044
60730200152003	16	10229.79558	0.001564059	60730178101001	103	19636.87859	0.005245233
60730201113010	3	10232.88713	0.000293172	60730193013000	46	19637.97982	0.0023424
60730200311011	28	10233.15276	0.002736205	60730178013012	212	19638.69518	0.010795015
60730200172012	994	10234.01793	0.097127053	60730083702002	4	19646.86233	0.000203595
60730200172003	1028	10249.4108	0.100298448	60730192092003	37	19649.39763	0.001883009
60730200172020	306	10268.24528	0.029800613	60730178014007	5	19651.92752	0.000254428
60730171112006	13	10270.63269	0.001265745	60730185152006	1	19654.78769	5.08782E-05
60730199022011	15	10274.61036	0.001459909	60730083475000	24	19661.84003	0.001220639
60730200171005	9	10281.92333	0.000875323	60730172022012	6	19665.02099	0.00030511
60730207123005	11	10292.90629	0.001068697	60730170451001	4	19665.47153	0.000203402
60730200332010	12	10301.28722	0.001164903	60730193012000	11	19665.48114	0.000559356
60730207123003	25	10305.89122	0.002425797	60730083552003	5	19665.80814	0.000254248
60730200332002	1	10315.70598	9.69396E-05	60730193011004	1	19666.67395	5.08474E-05
60730198111032	662	10316.61362	0.064168343	60730191033020	8	19667.9295	0.000406754
60730200351009	5	10319.05473	0.000484541	60730178013005	1	19672.48482	5.08324E-05

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730170141002	15	10319.22844	0.001453597	60730083472001	4	19673.17333	0.000203323
60730171112008	14	10329.46982	0.001355345	60730170451000	33	19676.43569	0.001677133
60730200321000	16	10330.0238	0.001548883	60730191071032	11	19677.58204	0.000559012
60730170702012	136	10335.36298	0.013158706	60730178091006	45	19686.01682	0.002285886
60730170141004	1551	10339.72096	0.150004048	60730083701001	2	19688.18235	0.000101584
60730200303005	2	10340.06893	0.000193422	60730170443004	3	19689.17354	0.000152368
60730200172014	2203	10343.24295	0.212989293	60730172022010	42	19690.06668	0.002133055
60730200355004	102	10346.67162	0.009858243	60730083742009	1	19690.58514	5.07857E-05
60730201102019	2	10348.60076	0.000193263	60730193012013	3	19691.52777	0.00015235
60730207061000	16	10353.87626	0.001545315	60730083241006	5	19695.54092	0.000253865
60730200355000	93	10356.97777	0.008979453	60730083551003	1	19696.38402	5.07707E-05
60730170701014	1	10359.46423	9.65301E-05	60730083562008	9	19696.80998	0.000456927
60730171112003	5	10367.07704	0.000482296	60730083552010	8	19703.40805	0.000406021
60730199022013	43	10367.18272	0.004147703	60730083562007	5	19706.48225	0.000253724
60730198111029	249	10370.58864	0.024010209	60730083742014	33	19708.50251	0.001674404
60730171112009	11	10385.17669	0.001059202	60730172022037	1	19708.90557	5.07385E-05
60730170712006	3	10385.45543	0.000288866	60730083472003	6	19712.27501	0.000304379
60730201102016	7	10386.4656	0.000673954	60730083491002	21	19718.65792	0.001064981
60730171091002	20	10391.41614	0.001924665	60730191032002	144	19719.04946	0.007302583
60730200172011	32	10392.45662	0.003079156	60730170451005	2	19719.61955	0.000101422
60730171092001	7	10393.55644	0.000673494	60730193012008	2	19729.98225	0.000101369
60730199032017	76	10393.82264	0.007312035	60730170492015	322	19730.15022	0.0163202
60730207122008	16	10405.16403	0.001537698	60730172012010	110	19733.22746	0.005574354
60730200332006	8	10413.94771	0.000768201	60730083722011	2	19734.05101	0.000101348
60730200171004	7	10417.53013	0.000671944	60730170432001	52	19735.71357	0.002634817
60730202102000	1	10430.04734	9.58768E-05	60730083463001	19	19749.46602	0.000962051
60730199022006	1	10431.94135	9.58594E-05	60730083475004	1	19754.55237	5.06212E-05
60730170601009	2	10444.16401	0.000191495	60730083803001	2	19756.69393	0.000101232
60730200332011	6	10445.45327	0.000574413	60730191032010	17	19758.47813	0.00086039
60730200171007	6	10445.50266	0.00057441	60730185221012	22	19758.63181	0.001113437
60730170701023	6	10446.77889	0.00057434	60730172022019	32	19759.55988	0.001619469
60730200152000	13	10452.90893	0.001243673	60730170461002	1	19760.07741	5.06071E-05
60730202101002	6	10456.48845	0.000573806	60730193013005	3	19761.83539	0.000151808
60730171112010	1	10458.69498	9.56142E-05	60730170492030	737	19764.98444	0.037288165
60730201102017	5	10460.15666	0.000478004	60730172022035	5	19771.17784	0.000252893
60730170711015	1615	10471.42627	0.154229229	60730083243006	15	19771.71571	0.00075866
60730171092005	10	10473.91375	0.000954753	60730083571003	18	19776.57644	0.000910168
60730170572004	33	10479.47308	0.003149013	60730179022000	10	19778.98061	0.000505587
60730199022002	27	10484.01429	0.002575349	60730172012015	91	19785.95028	0.004599223
60730170701022	1	10486.55079	9.53602E-05	60730170432008	6	19787.0763	0.000303228
60730200311010	1	10493.19583	9.52999E-05	60730179022002	99	19792.85176	0.005001806
60730200172019	206	10500.57093	0.019617981	60730208011005	29	19807.45514	0.001464095
60730200172010	548	10505.66438	0.052162336	60730191033022	1	19822.54112	5.04476E-05
60730200172018	143	10510.58848	0.013605328	60730083552015	3	19823.66275	0.000151334
60730198111006	679	10518.34515	0.064553881	60730191102013	7	19824.2245	0.000353103
60730171063007	2	10521.46416	0.000190088	60730172012014	18	19824.43128	0.000907971
60730207123001	45	10523.35097	0.004276204	60730083552011	1	19827.97618	5.04338E-05
60730201113005	16	10541.63734	0.001517791	60730172022018	62	19829.89833	0.003126592
60730200172007	168	10543.17542	0.015934478	60730193012007	12	19830.27943	0.000605135
60730200311008	5	10550.56898	0.000473908	60730178011013	21	19830.32953	0.001058984
60730199022007	7	10552.16222	0.000663371	60730172022033	1	19831.45882	5.04249E-05
60730199032000	57	10559.79744	0.005397831	60730170492016	118	19831.54205	0.005950117
60730170602002	27	10560.29298	0.002556747	60730083241032	2	19831.70513	0.000100849

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730201112004	26	10561.4856	0.002461775	60730178091021	80	19833.92829	0.004033492
60730200332007	1	10564.5307	9.46564E-05	60730191093043	6	19835.44764	0.000302489
60730170141003	2	10568.97154	0.000189233	60730178013010	4	19836.03649	0.000201653
60730200351001	9	10569.21942	0.000851529	60730083311007	33	19841.59602	0.001663173
60730171063012	1	10569.8832	9.46084E-05	60730083561000	26	19846.90177	0.001310028
60730171112015	5	10574.68222	0.000472827	60730083491003	22	19862.39402	0.001107621
60730202101001	2	10575.23042	0.000189121	60730178091019	86	19865.09197	0.004329202
60730198111010	369	10603.82299	0.03479877	60730185153004	11	19865.24243	0.000553731
60730200312003	16	10603.90663	0.001508878	60730179022001	3	19865.96289	0.000151012
60730200332012	10	10611.88622	0.00094234	60730170432007	1	19867.90547	5.03324E-05
60730207061009	3	10616.41297	0.000282581	60730083571002	2	19868.31621	0.000100663
60730170612000	16	10624.74745	0.001505918	60730178091016	7	19874.07934	0.000352218
60730200172016	154	10629.27288	0.014488291	60730170492026	32	19874.60736	0.001610095
60730170712004	173	10632.08837	0.016271498	60730178014009	1	19874.83797	5.03149E-05
60730170712007	3	10639.52905	0.000281967	60730172012016	25	19874.93299	0.001257866
60730200303016	5	10642.24936	0.000469825	60730170492028	1602	19878.07567	0.080591302
60730171112013	1	10650.53085	9.3892E-05	60730172022022	47	19883.31856	0.002363791
60730200321003	9	10654.05883	0.000844748	60730083571006	5	19885.29845	0.000251442
60730200351002	10	10658.05823	0.000938257	60730083701007	437	19887.61205	0.021973478
60730200332013	5	10658.65357	0.000469102	60730193011000	1	19888.76471	5.02796E-05
60730170711009	8	10662.102	0.000750321	60730083241010	25	19889.57308	0.00125694
60730170592008	2	10662.51712	0.000187573	60730170492017	227	19890.78575	0.011412319
60730207123002	2	10664.49102	0.000187538	60730185221004	14	19891.45342	0.00070382
60730171064008	13	10664.87003	0.001218955	60730083571005	2	19892.2697	0.000100542
60730192081012	226	10665.88442	0.021189054	60730172012012	2	19893.19751	0.000100537
60730200303001	174	10669.40621	0.016308311	60730083571004	1	19894.5097	5.02651E-05
60730200171002	18	10670.49422	0.001686895	60730083241014	5	19897.48517	0.000251288
60730170591002	1	10676.60183	9.36628E-05	60730198031004	178	19901.46553	0.008944065
60730200312000	10	10684.51284	0.000935934	60730193031005	21	19910.9516	0.001054696
60730200171003	21	10686.14745	0.001965161	60730172012017	1	19911.98774	5.0221E-05
60730199022003	9	10687.15555	0.000842132	60730193032006	34	19913.73562	0.001707364
60730171041000	4	10688.25651	0.000374243	60730193012006	4	19920.58099	0.000200797
60730207101005	61	10690.17453	0.005706174	60730083701000	26	19924.05063	0.001304956
60730171064009	39	10693.96109	0.003646918	60730170443001	2	19928.78461	0.000100357
60730198111031	507	10696.67218	0.047397919	60730170432003	6	19929.71525	0.000301058
60730200312001	189	10703.58033	0.017657643	60730179021000	6	19932.95102	0.000301009
60730170141013	3	10709.60179	0.000280122	60730170492027	1333	19944.87273	0.066834219
60730199032015	13	10721.30314	0.001212539	60730185153003	6	19949.65254	0.000300757
60730171064010	83	10726.05653	0.007738165	60730172022023	54	19950.12708	0.00270675
60730200332014	3	10727.82286	0.000279647	60730172022028	8	19963.53035	0.000400731
60730200355007	6	10728.49204	0.000559258	60730083463000	12	19964.10921	0.000601079
60730200303017	2	10729.18562	0.000186407	60730178013008	17	19967.452	0.000851386
60730200311009	11	10731.84452	0.001024987	60730170443000	16	19967.96687	0.000801283
60730171063006	21	10732.86145	0.001956608	60730193012003	11	19970.59999	0.00055081
60730200311005	15	10735.59188	0.001397222	60730083472002	2	19970.70251	0.000100147
60730200171000	26	10737.39216	0.002421445	60730083243005	22	19972.93822	0.00110149
60730199022008	1	10737.79726	9.3129E-05	60730083561003	3	19975.20159	0.000150186
60730171063004	3	10741.36605	0.000279294	60730083742013	8	19979.52494	0.00040041
60730201102007	13	10742.46084	0.001210151	60730083242001	3	19980.15077	0.000150149
60730207123000	40	10747.33386	0.003721853	60730083722005	2	19980.22488	0.000100099
60730170592010	23	10751.00597	0.002139335	60730193032000	217	19983.04311	0.010859207
60730200172017	964	10760.98627	0.089582867	60730172012020	124	19984.57415	0.006204786
60730200341000	6	10761.71385	0.000557532	60730178013007	1	19986.41418	5.0034E-05

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730200171001	134	10762.89967	0.012450176	60730083552012	642	19996.53186	0.032105567
60730199053008	159	10770.34927	0.014762752	60730193012011	4	19996.79462	0.000200032
60730170141010	5	10774.7157	0.000464049	60730170492018	2468	19999.51686	0.123402981
60730171112017	30	10778.89342	0.002783217	60730083722001	79	20000.00173	0.00395
60730170141012	2	10781.54981	0.000185502	60730193013013	8	20002.822	0.000399944
60730170711010	290	10786.04211	0.0268866	60730185221006	10	20002.955	0.000499926
60730200312015	59	10789.06175	0.005468501	60730083572000	1	20003.20469	4.9992E-05
60730170591000	7	10793.06249	0.000648565	60730172022039	24	20004.80425	0.001199712
60730200355006	1	10795.26038	9.26332E-05	60730170443003	1	20010.25007	4.99744E-05
60730171062017	13	10810.78808	0.001202503	60730170432009	12	20012.65909	0.00059962
60730170611003	2	10814.193	0.000184942	60730172022032	24	20019.15438	0.001198852
60730170141014	1	10816.44193	9.24518E-05	60730178013009	26	20023.69956	0.001298461
60730171064012	30	10818.57204	0.002773009	60730178091018	13	20024.70553	0.000649198
60730170691000	82	10822.5839	0.007576749	60730185153002	44	20027.03401	0.00219703
60730171064005	50	10824.18074	0.004619287	60730170101006	15	20028.53493	0.000748931
60730200311007	12	10828.63759	0.001108173	60730083571008	2	20032.87522	9.98359E-05
60730171064011	6	10833.64717	0.00055383	60730083242002	2	20033.94304	9.98306E-05
60730171112014	18	10834.71446	0.001661327	60730083571000	156	20035.57583	0.00778615
60730171064006	90	10835.13798	0.008306309	60730170432006	435	20036.73473	0.021710124
60730199022004	25	10840.66063	0.002306133	60730172012021	138	20037.46947	0.006887097
60730170611008	19	10843.33661	0.001752228	60730170461005	2	20037.60484	9.98123E-05
60730170611001	12	10845.52621	0.001106447	60730188034006	12	20049.59405	0.000598516
60730199022005	55	10846.80247	0.005070619	60730083742006	4	20051.64555	0.000199485
60730171064000	2	10849.46732	0.000184341	60730193032003	6	20052.27684	0.000299218
60730170572005	23	10851.85409	0.002119453	60730180004000	14	20057.99939	0.000697976
60730171064013	46	10881.17783	0.004227484	60730179021001	3	20058.67237	0.000149561
60730200303019	9	10884.3077	0.000826878	60730178011014	10	20059.0874	0.000498527
60730170591007	2	10890.00597	0.000183655	60730172012022	1	20072.97159	4.98182E-05
60730199022000	2	10893.96856	0.000183588	60730083731002	927	20075.57588	0.046175512
60730171064019	58	10894.43264	0.00532382	60730083243007	19	20078.43846	0.000946289
60730170591004	2	10909.02496	0.000183334	60730178011005	23	20089.41542	0.001144881
60730200341001	132	10916.85083	0.012091399	60730083482000	5	20106.98308	0.00024867
60730201102009	2	10923.3636	0.000183094	60730170492023	281	20111.08429	0.013972394
60730170691003	67	10924.96902	0.006132741	60730172012023	66	20125.32106	0.003279451
60730171064016	10	10931.36027	0.000914799	60730170451010	8	20127.17954	0.000397472
60730199053000	286	10931.59628	0.026162693	60730083242004	1	20127.97451	4.96821E-05
60730200303009	4	10934.11418	0.000365828	60730083482002	8	20135.27233	0.000397313
60730170701020	3	10939.37369	0.000274239	60730172022040	2	20140.58644	9.9302E-05
60730201113006	37	10944.34617	0.003380741	60730083701005	948	20144.66241	0.047059612
60730171064014	1	10945.95505	9.13579E-05	60730083731004	2	20147.70435	9.92669E-05
60730201102012	77	10949.32788	0.007032395	60730083482003	1	20150.19934	4.96273E-05
60730201102010	1	10953.56738	9.12945E-05	60730083742005	3	20153.54939	0.000148857
60730199053009	18	10968.64204	0.001641042	60730191032000	23	20154.13141	0.001141205
60730200321007	1	10976.06239	9.11074E-05	60730178091017	10	20154.48267	0.000496168
60730170712009	4	10985.42571	0.000364119	60730191034007	2	20157.1043	9.92206E-05
60730170591006	11	10987.31218	0.001001155	60730083692007	603	20160.27116	0.029910312
60730199021018	5	10991.56373	0.000454894	60730172011007	23	20162.67251	0.001140722
60730199021019	298	10993.15512	0.027107777	60730170451011	11	20162.92942	0.000545556
60730203044000	16	10997.67961	0.001454852	60730083492002	3	20168.61465	0.000148746
60730171064004	349	11001.66574	0.031722469	60730178014010	9	20171.70543	0.00044617
60730199042007	31	11003.85431	0.002817195	60730193013003	3	20178.2021	0.000148675
60730201102008	7	11017.98032	0.000635325	60730185223007	966	20179.18653	0.047871107
60730199053017	936	11020.94661	0.084929184	60730185221009	5	20179.25677	0.000247779

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730170523000	113	11023.09362	0.010251206	60730083492000	8	20198.48456	0.000396069
60730207122010	4	11030.75759	0.000362622	60730083573003	10	20198.74579	0.00049508
60730199032010	2	11030.76332	0.000181311	60730193013007	6	20204.05742	0.00029697
60730201112014	5	11036.58997	0.000453038	60730083492001	4	20205.53168	0.000197966
60730200303014	8	11051.29136	0.000723897	60730185151009	18	20208.77967	0.000890702
60730201102011	6	11059.23748	0.000542533	60730188032006	2	20210.45799	9.89587E-05
60730171041001	413	11062.62177	0.037332922	60730172022043	1	20213.65656	4.94715E-05
60730199053014	2033	11069.94203	0.183650465	60730083722010	46	20214.24492	0.002275623
60730200351004	5	11075.05122	0.000451465	60730198031002	136	20221.01078	0.006725678
60730200153000	111	11075.05609	0.010022523	60730170461004	7	20221.78103	0.000346161
60730170691001	2	11080.46903	0.000180498	60730172011024	4	20226.07823	0.000197764
60730207122009	5	11084.2532	0.00045109	60730193012005	3	20226.80523	0.000148318
60730200351005	5	11099.86861	0.000450456	60730191033014	18	20227.34205	0.000889885
60730170701017	109	11100.56062	0.009819324	60730193012009	69	20230.78354	0.003410644
60730171071007	60	11101.17044	0.005404835	60730191113008	63	20230.84184	0.003114057
60730199042008	293	11101.62159	0.026392541	60730083591000	824	20234.52768	0.040722473
60730171112016	1	11101.83092	9.00752E-05	60730193031012	2	20241.95268	9.88047E-05
60730170141000	232	11106.36588	0.020888921	60730083731005	8	20242.22431	0.000395213
60730198111007	775	11119.27025	0.069698819	60730185221020	1	20243.22977	4.93992E-05
60730192081024	107	11126.75821	0.009616458	60730208012018	35	20243.90235	0.001728916
60730170691005	25	11130.83941	0.002246012	60730083481000	74	20244.25274	0.003655358
60730199053007	1	11132.3747	8.98281E-05	60730185151005	1	20245.38295	4.9394E-05
60730170591009	2	11132.90715	0.000179648	60730193011001	1	20245.89553	4.93927E-05
60730170701019	2	11132.95392	0.000179647	60730170492024	402	20247.50079	0.019854302
60730199053015	336	11133.83167	0.03017829	60730172022045	8	20249.59797	0.00039507
60730200354005	2	11165.50117	0.000179123	60730178011018	18	20250.38509	0.000888872
60730170513000	23	11169.17057	0.00205924	60730083701006	1982	20250.77582	0.097872793
60730192081018	2014	11170.07415	0.18030319	60730083243003	2	20251.26918	9.87592E-05
60730170202000	147	11175.11897	0.013154222	60730083241025	3	20259.13288	0.000148081
60730170142008	1	11187.52851	8.93852E-05	60730083492004	9	20259.98513	0.000444225
60730198111019	1563	11189.62404	0.139682977	60730172011025	11	20260.80312	0.00054292
60730170142021	7	11194.41387	0.000625312	60730188034023	1	20262.52858	4.93522E-05
60730200351003	1	11198.29576	8.92993E-05	60730083482008	1	20268.53381	4.93376E-05
60730200341015	15	11201.66981	0.001339086	60730170492019	4410	20268.61813	0.217577734
60730198111009	157	11208.14917	0.014007665	60730179021006	32	20273.74214	0.001578396
60730171063002	15	11210.59391	0.00133802	60730191093064	6	20275.73127	0.00029592
60730207122004	19	11215.0984	0.001694145	60730191112011	1	20278.02599	4.93145E-05
60730170622007	4	11226.53171	0.000356299	60730193013001	3	20279.79581	0.00014793
60730170513001	10	11228.98413	0.000890553	60730083492013	4	20283.99765	0.0001972
60730199053002	4	11233.52025	0.000356077	60730191102011	1	20284.79316	4.9298E-05
60730200341002	1	11235.28451	8.90053E-05	60730083482006	1	20287.26004	4.9292E-05
60730170062005	7	11241.31569	0.000622703	60730193031023	2	20302.72808	9.85089E-05
60730171041002	4	11241.64964	0.00035582	60730083572005	2	20303.14505	9.85069E-05
60730171071008	10	11247.94511	0.000889051	60730170462003	16	20304.6991	0.000787995
60730198111008	189	11252.06362	0.016796919	60730193031016	4	20307.00551	0.000196976
60730170591003	12	11258.27156	0.001065883	60730185151004	17	20308.28553	0.000837097
60730207111022	6	11259.87054	0.000532866	60730170471005	1	20309.23269	4.92387E-05
60730201103049	34	11266.93189	0.00301768	60730191071026	4	20312.82526	0.00019692
60730200303008	11	11270.34238	0.000976013	60730185223009	1841	20314.91678	0.090623064
60730171071009	6	11271.19083	0.000532331	60730083573002	17	20319.94497	0.000836616
60730199053001	4	11279.39132	0.000354629	60730193012010	54	20320.94749	0.002657356
60730207122000	31	11279.40853	0.002748371	60730185153000	55	20323.00348	0.002706293
60730200333004	1	11281.06417	8.86441E-05	60730185221008	9	20328.38166	0.000442731

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730200333002	2	11289.08819	0.000177162	60730170461008	4	20330.77058	0.000196746
60730199031000	86	11289.55079	0.007617664	60730185221000	10	20333.92123	0.000491789
60730200333000	22	11298.98711	0.001947077	60730083572004	13	20339.35425	0.000639155
60730199031003	102	11302.72747	0.00902437	60730170462002	4	20340.07801	0.000196656
60730200303000	9	11305.06889	0.000796103	60730172012024	609	20340.85486	0.029939745
60730199051002	2	11306.904	0.000176883	60730083482004	1	20343.03746	4.91569E-05
60730170712012	3	11307.806	0.000265303	60730178014005	14	20348.39641	0.000688015
60730170203008	72	11309.86262	0.006366125	60730180003010	6	20351.00327	0.000294826
60730200354000	44	11310.37615	0.003890233	60730193013009	2	20353.72587	9.82621E-05
60730192081022	1	11320.44731	8.83357E-05	60730083742012	3	20353.89144	0.000147392
60730170691004	109	11325.31949	0.009624453	60730083463013	1	20355.31594	4.91272E-05
60730198111002	696	11326.47166	0.061448968	60730083572003	4	20357.16096	0.000196491
60730200321005	11	11327.89878	0.000971054	60730191032007	21	20360.3466	0.001031417
60730200312002	326	11328.7449	0.028776356	60730193013002	2	20360.48553	9.82295E-05
60730170203004	5	11330.10641	0.000441302	60730178011003	1	20361.11292	4.91132E-05
60730171071003	43	11330.23105	0.003795156	60730180004001	11	20368.59487	0.000540047
60730200331000	7	11330.3828	0.000617808	60730083591001	457	20378.35036	0.02242576
60730200301013	8	11340.81273	0.000705417	60730083482005	1	20378.38976	4.90716E-05
60730170612007	9	11341.57944	0.00079354	60730083475005	7	20394.13583	0.000343236
60730199042012	6	11347.14523	0.000528767	60730185221003	20	20395.93047	0.000980588
60730200353002	1	11349.34488	8.81108E-05	60730179021008	7	20404.2482	0.000343066
60730200302009	7	11355.56442	0.000616438	60730193031018	18	20405.83711	0.000882101
60730171062021	24	11358.53479	0.002112949	60730170226001	2621	20407.85218	0.128430958
60730171041010	148	11359.17204	0.013029119	60730178011006	40	20410.3551	0.00195979
60730199042002	1	11360.81815	8.80218E-05	60730083582000	55	20410.96309	0.00269463
60730199051008	1	11362.28584	8.80105E-05	60730083742007	4	20413.18743	0.000195952
60730199042003	52	11365.55234	0.004575229	60730185252000	12	20417.32088	0.000587736
60730170513004	13	11370.82185	0.001143277	60730083242012	177	20418.6233	0.008668557
60730170062007	2	11372.01167	0.00017587	60730193031017	1	20419.58628	4.89726E-05
60730171064003	170	11379.03013	0.014939762	60730083573000	4	20423.2569	0.000195855
60730200353000	12	11382.58797	0.001054242	60730083242009	7	20431.29883	0.000342612
60730198111003	87	11385.003	0.007641632	60730170443002	2	20434.77934	9.78724E-05
60730200341005	9	11385.17423	0.000790502	60730170451013	1	20435.35908	4.89348E-05
60730171064001	1	11390.33178	8.77938E-05	60730180003011	48	20439.3857	0.002348407
60730170611005	196	11406.72474	0.017182846	60730170226000	687	20447.255	0.033598642
60730171082012	3	11430.43889	0.000262457	60730170471006	6	20447.80198	0.00029343
60730199053018	6	11439.76603	0.000524486	60730185221001	1	20448.05629	4.89044E-05
60730200303013	2	11441.90006	0.000174796	60730083492008	6	20453.37207	0.00029335
60730207112015	4	11445.72565	0.000349475	60730193031015	8	20462.26084	0.000390964
60730199042009	15	11448.86706	0.001310173	60730193013012	4	20464.88593	0.000195457
60730200333003	2	11449.38786	0.000174682	60730083492009	42	20467.35971	0.002052048
60730170711011	21	11450.83809	0.001833927	60730179021004	10	20471.5106	0.000488484
60730170333000	4	11451.06826	0.000349312	60730170462000	215	20477.89291	0.010499127
60730170202002	13	11460.65485	0.001134316	60730083573004	451	20479.38578	0.022022145
60730192081016	13	11463.88561	0.001133996	60730083582008	359	20481.82754	0.017527733
60730170142000	2	11472.20877	0.000174334	60730083732004	26	20485.00462	0.001269221
60730200331001	2	11472.60157	0.000174328	60730170462001	3	20490.26483	0.000146411
60730198111033	781	11473.12407	0.068072131	60730083573001	1	20493.31581	4.87964E-05
60730170142023	59	11473.59564	0.005142242	60730193031010	1	20493.46459	4.8796E-05
60730198111004	1	11476.71842	8.71329E-05	60730083492005	697	20500.7637	0.033998733
60730171064023	6	11486.28357	0.000522362	60730083245005	3	20501.91759	0.000146328
60730198111005	154	11488.08691	0.013405191	60730083572008	3	20502.05327	0.000146327
60730170711014	17	11488.77526	0.001479705	60730178011007	207	20504.99844	0.0100951

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730199021013	1	11503.9391	8.69267E-05	60730083242010	1	20506.16819	4.87658E-05
60730207111014	32	11504.53248	0.002781512	60730208012021	5	20514.62416	0.000243729
60730170513005	5	11507.9	0.000434484	60730083573005	4	20520.63246	0.000194926
60730199042000	52	11510.26822	0.004517705	60730193031020	4	20521.19795	0.00019492
60730207101007	101	11511.91897	0.008773516	60730178011000	5	20525.33135	0.000243601
60730171042000	11	11514.84052	0.000955289	60730172012025	7	20526.83535	0.000341017
60730200303012	12	11519.88827	0.001041677	60730193013010	6	20534.18164	0.000292196
60730200301002	2	11522.24706	0.000173577	60730185223001	2	20536.545	9.73874E-05
60730200341004	3	11523.03116	0.000260348	60730185221010	3	20537.67173	0.000146073
60730198111001	3	11526.76385	0.000260264	60730193032002	5	20542.9518	0.000243392
60730200352001	10	11528.59116	0.000867409	60730172011023	1	20544.53749	4.86747E-05
60730171082013	2	11534.19455	0.000173397	60730185044007	379	20545.24086	0.018447095
60730200341003	39	11534.67442	0.00338111	60730083582005	53	20546.47827	0.002579517
60730201103034	79	11534.73418	0.006848879	60730170471004	4	20550.79226	0.00019464
60730199053021	7	11535.74145	0.00060681	60730193013011	1	20552.94321	4.86548E-05
60730170142003	1	11537.52803	8.66737E-05	60730083475007	1	20554.36111	4.86515E-05
60730171112019	2	11538.52612	0.000173332	60730170492020	2099	20554.36437	0.102119431
60730171082008	1	11543.85555	8.66262E-05	60730172011019	2	20555.03862	9.72997E-05
60730200333001	5	11545.03841	0.000433086	60730180003006	1	20568.61011	4.86178E-05
60730170202003	2	11548.44232	0.000173184	60730179021007	55	20568.96358	0.002673932
60730200302039	25	11550.24794	0.002164456	60730180003008	1	20572.7725	4.86079E-05
60730200341017	3	11551.2198	0.000259713	60730083245000	54	20573.09838	0.002624787
60730199021011	143	11551.62062	0.012379215	60730083741001	40	20576.13127	0.001944
60730199042006	1	11557.14654	8.65265E-05	60730178014002	986	20577.03025	0.047917507
60730199051000	20	11568.54234	0.001728826	60730083741006	38	20577.35917	0.00184669
60730200354006	17	11577.39055	0.001468379	60730185151002	764	20578.49051	0.037126144
60730207111016	15	11580.87532	0.001295239	60730083492010	2	20589.69139	9.7136E-05
60730170611000	13	11583.25969	0.001122309	60730083584000	8	20594.90163	0.000388446
60730170062000	1	11583.36529	8.63307E-05	60730208012016	12	20614.20048	0.000582123
60730200331002	12	11599.46122	0.001034531	60730172011018	4	20620.83674	0.000193979
60730171071002	24	11602.58909	0.002068504	60730179013000	7	20621.27344	0.000339455
60730170063004	2	11602.89884	0.000172371	60730188032007	1	20623.00901	4.84895E-05
60730200302014	1	11604.11172	8.61764E-05	60730170471001	16	20623.33565	0.00077582
60730171082017	20	11612.6374	0.001722262	60730083243000	114	20624.3773	0.00552744
60730171112018	16	11614.1471	0.00137763	60730185045008	4	20632.21137	0.000193872
60730170203007	3	11615.16813	0.000258283	60730178012008	6	20634.1805	0.00029078
60730171082011	2	11621.99955	0.000172087	60730178011008	1341	20636.57762	0.064981705
60730199042004	25	11622.47436	0.002151005	60730193031006	12	20638.69061	0.000581432
60730171064020	5	11624.41544	0.000430129	60730185223002	685	20642.26812	0.033184338
60730200354007	6	11624.74335	0.00051614	60730083721001	10	20646.73539	0.000484338
60730171042008	69	11626.75302	0.005934589	60730083581000	12	20657.32261	0.000580908
60730171061001	14	11627.73929	0.001204017	60730193031011	2	20658.27955	9.68135E-05
60730199053019	2	11630.69466	0.000171959	60730178011010	6	20661.92728	0.000290389
60730201112016	6	11631.26966	0.000515851	60730170451012	8	20663.51487	0.000387156
60730200341019	1	11637.62627	8.59282E-05	60730208012028	2	20667.60839	9.67698E-05
60730170623006	3	11637.96754	0.000257777	60730172011022	1	20668.63553	4.83825E-05
60730200321018	3	11640.63636	0.000257718	60730193032007	3	20670.89364	0.000145132
60730170611002	9	11642.53593	0.000773027	60730185151007	2	20676.4573	9.67284E-05
60730171061000	15	11643.40108	0.001288283	60730083741003	19	20678.80619	0.000918815
60730199051004	1	11645.21244	8.58722E-05	60730185242007	7	20689.5449	0.000338335
60730200341018	4	11645.76678	0.000343472	60730191113003	30	20690.59013	0.001449934
60730170062003	1	11647.98248	8.58518E-05	60730083492012	1	20691.51593	4.8329E-05
60730200301006	1	11650.67906	8.58319E-05	60730083243004	3	20691.71424	0.000144986

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730170201000	21	11654.37118	0.001801899	60730083584001	5	20694.70997	0.000241608
60730199051003	2	11654.63572	0.000171606	60730083492006	27	20699.88164	0.001304355
60730200301003	3	11657.29406	0.00025735	60730193031013	1	20706.33054	4.82944E-05
60730170513002	16	11677.14571	0.001370198	60730178012010	4	20707.44121	0.000193167
60730171072010	5	11678.18135	0.000428149	60730083492011	2	20711.39396	9.65652E-05
60730200353001	2	11678.90398	0.000171249	60730191113006	2	20713.57925	9.6555E-05
60730171083000	3	11679.79434	0.000256854	60730180003005	2	20725.15372	9.65011E-05
60730207101028	14	11682.28612	0.001198396	60730083463005	5	20733.06857	0.000241161
60730170063007	3	11688.31896	0.000256667	60730170492021	850	20734.50018	0.040994477
60730171041008	148	11691.52398	0.012658743	60730188034000	45	20735.31766	0.00217021
60730171082007	2	11696.34099	0.000170994	60730083741013	1	20736.47553	4.82242E-05
60730200302041	11	11697.41822	0.000940378	60730180003002	10	20737.41898	0.00048222
60730171072009	4	11700.24355	0.000341873	60730083581003	1	20746.60413	4.82007E-05
60730200341011	8	11715.42103	0.000682861	60730179012017	75	20747.09504	0.003614964
60730200302016	1	11737.28894	8.51986E-05	60730170226002	851	20753.65716	0.041004821
60730171064022	21	11744.55373	0.001788063	60730179013002	1	20756.41008	4.81779E-05
60730170523005	9	11746.02184	0.000766217	60730185252001	2	20763.28592	9.63239E-05
60730171042007	17	11749.85036	0.001446827	60730185251007	6	20775.18676	0.000288806
60730171083001	2	11750.19607	0.00017021	60730188032008	15	20779.81332	0.000721854
60730200321008	10	11759.84475	0.000850351	60730170472002	5	20787.69347	0.000240527
60730200302018	1	11769.99028	8.49618E-05	60730179013003	2	20789.73964	9.62013E-05
60730200302035	6	11777.62803	0.00050944	60730188034007	4	20789.8344	0.000192402
60730171083011	3	11781.10604	0.000254645	60730185044006	430	20791.2666	0.020681761
60730199042001	15	11784.167	0.001272894	60730178011009	6	20795.43004	0.000288525
60730171112022	344	11784.264	0.029191471	60730208011003	8	20801.64009	0.000384585
60730199021007	722	11790.75992	0.061234391	60730179012016	59	20807.99195	0.002835449
60730171042002	4	11792.6452	0.000339194	60730179012030	3	20808.87644	0.000144169
60730192082016	10	11793.70645	0.00084791	60730208011007	4	20821.93424	0.000192105
60730200302006	504	11797.31504	0.042721585	60730179013004	9	20823.47464	0.000432205
60730198111000	13	11802.80251	0.001101433	60730083581004	18	20824.63175	0.000864361
60730200302019	102	11813.24679	0.008634375	60730170471007	9	20827.24855	0.000432126
60730170201006	8	11820.12088	0.000676812	60730185231008	1	20829.98271	4.80077E-05
60730199052000	31	11821.33821	0.002622377	60730083591006	5	20840.15106	0.000239921
60730171082006	2	11825.03666	0.000169133	60730179012025	20	20841.19957	0.000959638
60730171064015	117	11849.53754	0.009873803	60730186121004	24	20843.59942	0.001151433
60730201113003	14	11852.228	0.001181213	60730170471002	16	20852.71206	0.000767286
60730171082016	3	11854.26296	0.000253074	60730180002011	1	20856.21045	4.79473E-05
60730200354001	6	11860.01125	0.000505902	60730179013005	1	20857.28159	4.79449E-05
60730170611012	1	11860.7262	8.43119E-05	60730095041009	2	20857.33468	9.58895E-05
60730199021012	5	11868.80077	0.000421273	60730170471003	3	20859.9092	0.000143817
60730200301001	23	11870.55597	0.001937567	60730083511000	651	20861.80164	0.031205359
60730170142014	13	11872.26598	0.001094989	60730193031007	2	20862.85387	9.58642E-05
60730171083009	1	11875.26241	8.42087E-05	60730083741005	8	20865.103	0.000383415
60730171072000	13	11877.7616	0.001094482	60730179013015	44	20867.08516	0.002108584
60730170612006	22	11879.75851	0.001851889	60730185251005	155	20867.91698	0.00742767
60730171082010	5	11890.37437	0.000420508	60730083512000	9	20869.65132	0.000431248
60730170622005	101	11892.07054	0.008493054	60730185222002	60	20872.80852	0.002874553
60730170341000	17	11907.25887	0.001427701	60730095041019	2	20872.95475	9.58178E-05
60730199042005	2	11923.59507	0.000167735	60730172011020	16	20873.95066	0.000766506
60730170201003	4	11929.0419	0.000335316	60730179012024	3	20874.78471	0.000143714
60730171061005	65	11933.46762	0.005446866	60730185223011	29	20875.5951	0.001389182
60730200302036	4	11935.55033	0.000335133	60730083581001	287	20875.92239	0.013747896
60730200302032	1	11936.68653	8.37753E-05	60730191102000	37	20876.43612	0.001772333

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730207112013	57	11937.21201	0.004774984	60730083584002	8	20877.27643	0.000383192
60730199051009	1	11939.22776	8.37575E-05	60730185045006	843	20879.20581	0.040375099
60730171072007	3	11946.81377	0.000251113	60730185251008	3	20884.10733	0.00014365
60730170341001	12	11947.13667	0.001004425	60730185045003	5	20885.87341	0.000239396
60730171042006	3	11947.66635	0.000251095	60730170461000	162	20889.20492	0.007755202
60730171042004	10	11950.8064	0.000836764	60730179013006	32	20891.26646	0.001531741
60730200341014	7	11951.61598	0.000585695	60730172011017	16	20893.74905	0.000765779
60730171064017	1	11954.5751	8.365E-05	60730170461006	2	20893.8842	9.57218E-05
60730200302031	12	11957.80703	0.001003528	60730185044004	3	20898.18988	0.000143553
60730171072008	3	11965.71596	0.000250716	60730185251003	2	20898.4629	9.57008E-05
60730200302033	3	11971.97706	0.000250585	60730083581005	10	20901.48424	0.000478435
60730171083004	2	11982.29567	0.000166913	60730083511001	1	20903.68312	4.78385E-05
60730171042003	8	11987.79232	0.000667346	60730179012023	23	20908.16823	0.001100049
60730170524000	173	11992.26824	0.014425962	60730178011001	20	20908.92084	0.00095653
60730170622006	24	11999.51316	0.002000081	60730179012000	25	20913.81919	0.001195382
60730171072002	9	12001.68261	0.000749895	60730180002005	2	20916.85673	9.56167E-05
60730199051005	10	12002.8751	0.000833134	60730083463011	17	20918.78125	0.000812667
60730170201001	20	12004.12121	0.001666094	60730083732000	40	20924.58512	0.001911627
60730200301000	4	12005.19149	0.000333189	60730179012029	78	20925.62433	0.003727487
60730199021006	14	12007.00743	0.001165986	60730179012015	17	20928.86394	0.000812275
60730200352000	11	12007.46607	0.000916097	60730083741012	4	20935.71903	0.000191061
60730170622008	5	12007.84658	0.000416394	60730170492025	2	20940.93827	9.55067E-05
60730170061005	1	12008.30812	8.32757E-05	60730179012022	56	20941.70795	0.002674089
60730200302004	2	12015.40217	0.000166453	60730083732003	5	20957.29597	0.00023858
60730200321014	252	12028.30824	0.020950577	60730180002012	4	20960.91	0.000190831
60730200354003	7	12037.84915	0.000581499	60730179012014	85	20961.59004	0.004055036
60730170622013	1	12041.9663	8.30429E-05	60730083583000	1138	20965.82655	0.054278804
60730171082005	14	12045.02606	0.001162305	60730191113012	5	20974.69477	0.000238382
60730170063002	15	12060.2789	0.001243752	60730185222001	2	20975.27862	9.53503E-05
60730199031004	28	12066.38947	0.002320495	60730179012021	19	20975.30275	0.000905827
60730198111024	1063	12074.81579	0.088034469	60730083511002	2	20975.53331	9.53492E-05
60730200302000	960	12081.67435	0.079459185	60730095041011	11	20977.94586	0.00052436
60730200302042	6	12083.56196	0.000496542	60730185222000	3	20979.36216	0.000142998
60730171082004	52	12086.11213	0.004302459	60730083741014	2	20979.99973	9.53289E-05
60730200353004	7	12088.01657	0.000579086	60730083581006	1	20980.04282	4.76643E-05
60730170333001	2	12094.00581	0.000165371	60730083483009	5	20984.87087	0.000238267
60730198111016	33	12097.18032	0.002727908	60730083483002	6	20986.05705	0.000285904
60730171083005	2	12097.86374	0.000165318	60730185231003	7	20987.86893	0.000333526
60730200302028	11	12110.38359	0.000908311	60730095041012	21	20990.48042	0.001000454
60730199041014	6	12112.75011	0.000495346	60730191102010	14	20991.35998	0.000666941
60730170622012	2	12114.97664	0.000165085	60730179012013	52	20994.84062	0.002476799
60730171083003	1	12115.01887	8.25422E-05	60730178012005	20	20999.01667	0.000952426
60730170612008	41	12116.43151	0.003383835	60730083741010	5	21006.69715	0.000238019
60730171083007	1	12121.93014	8.24951E-05	60730185044001	6	21006.72868	0.000285623
60730201112015	49	12132.81812	0.004038633	60730178012012	53	21008.1467	0.002522831
60730170622011	1	12136.09031	8.23989E-05	60730188032002	8	21008.65629	0.000380795
60730170611010	7	12138.56662	0.000576674	60730179012020	6	21009.06902	0.000285591
60730207111015	6	12145.77496	0.000493999	60730185251006	11	21017.78668	0.000523366
60730171082009	1	12149.4427	8.23083E-05	60730188034013	3	21025.46676	0.000142684
60730199031007	37	12152.29003	0.003044694	60730208012012	20	21030.07026	0.000951019
60730207111019	1	12152.84917	8.22852E-05	60730083245001	1	21033.85061	4.75424E-05
60730207111021	1	12153.49579	8.22809E-05	60730185251004	14	21034.70215	0.000665567
60730199052001	11	12159.49897	0.000904643	60730178012009	6	21040.71304	0.000285161

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730201112002	2	12164.40295	0.000164414	60730180002007	5	21041.79048	0.000237622
60730171072004	1	12164.4881	8.22065E-05	60730179012028	88	21042.65771	0.004181981
60730170521000	74	12167.86322	0.006081594	60730083721007	326	21043.74063	0.015491542
60730171083002	2	12169.37272	0.000164347	60730179012012	134	21044.40804	0.006367487
60730200352002	1	12169.56414	8.21722E-05	60730083732001	9	21047.40312	0.000427606
60730199044001	55	12179.92186	0.004515628	60730083463009	2	21048.10307	9.50204E-05
60730200354002	11	12182.6032	0.000902927	60730083511003	2	21048.20574	9.502E-05
60730170342000	1	12186.88736	8.20554E-05	60730095041008	1	21051.73119	4.7502E-05
60730200302029	7	12192.05697	0.000574144	60730095041005	35	21052.0689	0.001662544
60730200301008	7	12192.52922	0.000574122	60730185045005	851	21052.94305	0.040421902
60730170623003	14	12198.54562	0.001147678	60730186121000	8	21056.28498	0.000379934
60730170142018	1	12200.72917	8.19623E-05	60730083503000	4	21057.20507	0.000189959
60730207111013	34	12201.33585	0.00278658	60730083591007	19	21061.52319	0.000902119
60730170622009	103	12202.24637	0.008441069	60730178014004	298	21063.4948	0.0141477
60730170333002	1	12209.63599	8.19025E-05	60730083581002	1	21063.86695	4.74747E-05
60730198101025	1	12215.33361	8.18643E-05	60730179012001	97	21070.14575	0.00460367
60730207111017	1	12225.58136	8.17957E-05	60730083741011	12	21071.60832	0.000569487
60730200321012	10	12236.21414	0.000817246	60730083483012	1	21079.04918	4.74405E-05
60730192082017	18	12251.65439	0.001469189	60730095041007	5	21084.51173	0.000237141
60730170342001	7	12255.52805	0.000571171	60730185231001	270	21088.43278	0.012803227
60730200301012	341	12258.86344	0.027816608	60730180002004	1	21088.64926	4.74189E-05
60730200341008	9	12260.47052	0.000734066	60730185044000	7	21093.76399	0.000331852
60730170622003	17	12261.59696	0.001386443	60730179012011	113	21094.95367	0.005356731
60730174031003	2	12262.16362	0.000163103	60730083512002	6	21095.1312	0.000284426
60730201112000	20	12267.17031	0.001630368	60730180002008	53	21098.68819	0.002512005
60730171064018	21	12270.23195	0.001711459	60730083731006	8	21099.56805	0.000379155
60730201103051	4	12275.11145	0.000325863	60730179013016	47	21110.71663	0.002226357
60730200302002	4	12278.18128	0.000325781	60730179012027	2	21112.28268	9.47316E-05
60730174031009	137	12285.15273	0.011151673	60730095041013	3	21114.94126	0.000142079
60730170622016	2	12285.34299	0.000162796	60730083581008	4	21115.75085	0.000189432
60730171061013	25	12286.61584	0.002034734	60730191031026	1	21115.81883	4.73579E-05
60730207112012	1	12312.14796	8.12206E-05	60730083511004	4	21118.33655	0.000189409
60730174031000	3	12313.43771	0.000243636	60730083583002	2	21119.65609	9.46985E-05
60730199021020	8	12316.4069	0.00064954	60730083583005	1	21121.49138	4.73451E-05
60730200321013	1	12320.19845	8.11675E-05	60730179012019	6	21128.3494	0.000283979
60730170203002	10	12332.94058	0.000810837	60730083584004	1	21130.70145	4.73245E-05
60730170622018	8	12335.13672	0.000648554	60730083581009	4	21144.37411	0.000189176
60730170061001	19	12335.53588	0.001540265	60730185045001	1	21150.43137	4.72804E-05
60730192082015	26	12345.88141	0.002105965	60730083503005	2	21151.77321	9.45547E-05
60730170611017	5	12347.78715	0.000404931	60730178011002	102	21154.42508	0.004821686
60730170521001	6	12358.75143	0.000485486	60730186121003	4	21160.22561	0.000189034
60730171072006	1	12367.28355	8.08585E-05	60730179012018	46	21161.80208	0.002173728
60730170203030	21	12368.31892	0.001697886	60730180002003	94	21166.01387	0.004441082
60730170512002	1	12369.62814	8.08432E-05	60730208012013	1	21168.56147	4.72399E-05
60730191053017	4	12387.19408	0.000322914	60730185241000	65	21171.03538	0.003070232
60730170061007	1	12400.78057	8.06401E-05	60730083512003	3	21172.18518	0.000141695
60730170512001	63	12403.28638	0.005079299	60730083511005	16	21172.41184	0.0007557
60730171084007	4	12407.85409	0.000322376	60730083581016	1	21173.86004	4.7228E-05
60730174031004	14	12409.12154	0.001128202	60730191093055	2	21176.09164	9.44461E-05
60730192081014	1	12417.77918	8.05297E-05	60730083584005	5	21179.69328	0.000236075
60730176013005	13	12421.99507	0.001046531	60730179012002	315	21182.54198	0.014870736
60730178084012	17	12423.3343	0.001368393	60730185045000	31	21184.61863	0.001463326
60730200301009	15	12425.47696	0.001207197	60730191093044	52	21184.65261	0.002454607

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730170524001	4	12427.40118	0.000321869	60730170472000	60	21185.30922	0.002832151
60730199041015	4	12429.59114	0.000321813	60730170101010	5	21188.57438	0.000235976
60730171084008	8	12430.4527	0.000643581	60730083244002	1	21192.28759	4.7187E-05
60730171061019	12	12430.75082	0.000965348	60730179012026	114	21195.77612	0.00537843
60730191053014	9	12444.98176	0.000723183	60730185251013	1	21197.33301	4.71757E-05
60730170063005	22	12447.91418	0.001767364	60730191113002	7	21199.56262	0.000330195
60730171081004	11	12449.11711	0.000883597	60730188034008	20	21203.36195	0.000943247
60730178084000	82	12459.62653	0.006581257	60730180002001	95	21204.92981	0.00448009
60730170622023	57	12460.39197	0.004574495	60730083483011	3	21206.70824	0.000141465
60730174031010	1	12462.15994	8.02429E-05	60730083244000	2	21215.30566	9.42716E-05
60730196022023	12	12473.73175	0.000962022	60730179012008	56	21226.30234	0.002638236
60730200352005	114	12474.6194	0.009138555	60730185231004	2	21232.94055	9.41933E-05
60730171084005	3	12480.08933	0.000240383	60730083721005	2	21238.11036	9.41703E-05
60730170622026	3	12481.73448	0.000240351	60730180001004	84	21239.40937	0.003954912
60730170512008	14	12494.87833	0.001120459	60730083581011	1	21242.21323	4.70761E-05
60730170522001	27	12496.26833	0.002160645	60730191102023	17	21245.70417	0.000800162
60730171084003	14	12498.7904	0.001120108	60730083583001	2	21249.10462	9.41216E-05
60730200301011	4	12500.06254	0.000319998	60730170226006	970	21249.11381	0.045648963
60730170522000	8	12501.6783	0.000639914	60730083581015	9	21249.48812	0.00042354
60730171072003	814	12503.54135	0.065101556	60730083391010	9	21250.80558	0.000423513
60730171064021	8	12503.84805	0.000639803	60730179012007	14	21251.52573	0.000658776
60730200302037	80	12504.79616	0.006397545	60730185222003	1	21253.73874	4.70505E-05
60730196022024	30	12524.97695	0.002395214	60730095041000	5	21255.07195	0.000235238
60730199021008	12	12531.20224	0.00095761	60730083503004	3	21256.96189	0.00014113
60730170611004	35	12542.48852	0.002790515	60730188032005	82	21258.80166	0.003857226
60730199031005	11	12545.65108	0.000876798	60730170226007	298	21265.70615	0.014013172
60730198111011	656	12552.8029	0.052259245	60730083503002	6	21267.80876	0.000282117
60730221022006	2	12554.93378	0.0001593	60730180001023	4	21268.0186	0.000188076
60730170343001	2	12556.3	0.000159283	60730083483001	4	21272.47285	0.000188036
60730171081006	9	12557.80101	0.000716686	60730191071022	11	21273.126	0.000517084
60730178084003	5	12559.51016	0.000398105	60730170221000	135	21274.81962	0.00634553
60730170203028	2	12563.67418	0.000159189	60730185252007	202	21277.98902	0.009493378
60730198111023	790	12565.82962	0.062868909	60730083483010	2	21278.33639	9.39923E-05
60730200302038	2	12566.3986	0.000159155	60730083512004	2	21279.89572	9.39854E-05
60730221022005	654	12570.0299	0.052028516	60730083584006	5	21285.2145	0.000234905
60730171081003	14	12574.88327	0.00111333	60730179011007	4	21286.77587	0.00018791
60730176061000	144	12582.14391	0.01144479	60730185252002	47	21294.25163	0.002207168
60730170622027	1	12583.99624	7.9466E-05	60730083244008	1	21295.78645	4.69576E-05
60730170342004	1	12587.13785	7.94462E-05	60730170473003	82	21296.12466	0.003850466
60730200321016	9	12589.36445	0.000714889	60730083391001	871	21296.88539	0.040897999
60730176013004	1	12590.17378	7.9427E-05	60730083244001	48	21300.25789	0.002253494
60730174031006	7	12592.30359	0.000555895	60730191071009	7	21300.91841	0.000328624
60730176013006	815	12595.31797	0.064706584	60730083581010	1	21301.57342	4.69449E-05
60730170612012	170	12599.0195	0.013493113	60730083504000	1	21309.15774	4.69282E-05
60730176013010	182	12600.84117	0.01444348	60730180001010	137	21311.88132	0.006428339
60730178084001	8	12605.64835	0.000634636	60730083732002	1	21311.90926	4.69221E-05
60730171061002	22	12606.91716	0.001745074	60730083583008	3	21315.85231	0.00014074
60730174034000	4	12622.41914	0.000316896	60730095042000	8	21321.17919	0.000375214
60730200153002	75	12624.01306	0.005941058	60730179012009	104	21322.50679	0.004877475
60730200321015	12	12625.40975	0.000950464	60730180001018	294	21322.58011	0.0137882
60730170061000	15	12629.80261	0.001187667	60730185251010	3	21325.62192	0.000140676
60730170512007	156	12630.935	0.01235063	60730083244007	18	21327.33923	0.000843987
60730199021002	3	12634.63423	0.000237443	60730179011006	144	21330.88112	0.006750776

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730199021000	16	12636.24702	0.001266199	60730179012010	100	21331.98405	0.004687796
60730170511002	3	12636.60571	0.000237406	60730179011008	22	21335.58926	0.001031141
60730171081001	211	12637.47353	0.016696375	60730185251011	10	21337.66024	0.000468655
60730198101042	2	12642.55023	0.000158196	60730083462006	502	21344.41205	0.023519036
60730171084004	17	12648.48197	0.001344035	60730083503001	3	21347.59756	0.000140531
60730199043000	109	12649.47638	0.008616957	60730083244005	2	21350.47997	9.36747E-05
60730200301010	93	12655.45479	0.00734861	60730179012003	97	21351.08521	0.004543095
60730199044004	3	12659.87418	0.000236969	60730185222007	7	21353.92984	0.000327809
60730170343000	125	12666.94315	0.009868206	60730083583009	1	21358.09848	4.68206E-05
60730170512006	239	12667.22784	0.018867585	60730186121024	12	21361.42157	0.00056176
60730200302001	528	12672.89488	0.041663724	60730083583010	1	21362.31665	4.68114E-05
60730176061003	15	12674.12879	0.001183513	60730083583011	2	21366.73635	9.36034E-05
60730170333008	6	12680.06142	0.000473184	60730179012004	144	21371.36113	0.006737989
60730170622020	1	12682.38779	7.88495E-05	60730083514000	54	21371.49058	0.002526731
60730171061006	307	12706.02874	0.024161759	60730083584007	4	21373.75997	0.000187145
60730176013009	775	12711.13192	0.06097018	60730083244010	24	21376.90354	0.001122707
60730171084002	1004	12723.41414	0.078909638	60730083581013	6	21379.26185	0.000280646
60730170061002	5	12730.76268	0.000392749	60730083244009	1	21381.61459	4.67692E-05
60730191053018	2	12746.56239	0.000156905	60730083462007	541	21386.5887	0.025296227
60730174034004	7	12754.10057	0.000548843	60730083504003	1	21394.13982	4.67418E-05
60730176013002	5	12760.0371	0.000391848	60730083721002	2	21394.20146	9.34833E-05
60730178084011	3	12770.03897	0.000234925	60730185242006	13	21394.21334	0.000607641
60730198101014	3	12770.70206	0.000234913	60730185043000	1	21395.31458	4.67392E-05
60730198101019	406	12773.74801	0.031783937	60730083483000	16	21395.8668	0.000747808
60730198101013	5	12779.0769	0.000391265	60730083581014	48	21398.82065	0.002243114
60730171061018	4	12786.30043	0.000312835	60730180001017	157	21401.87813	0.007335805
60730174034005	3	12791.92175	0.000234523	60730083244003	33	21403.61526	0.001541796
60730192082014	46	12792.28448	0.003595918	60730191032001	3	21405.97881	0.000140148
60730174032004	2	12795.86635	0.0001563	60730083503003	4	21406.74165	0.000186857
60730170343002	1	12802.62544	7.8109E-05	60730180001019	33	21417.44928	0.0015408
60730207112011	18	12813.16524	0.001404805	60730083504002	9	21418.40032	0.000420199
60730196022015	62	12814.16888	0.004838394	60730083732005	1	21419.56957	4.66863E-05
60730170621002	3	12816.63262	0.000234071	60730191033012	29	21431.37663	0.001353156
60730170623004	313	12817.17204	0.024420363	60730083244004	14	21435.14602	0.000653133
60730170561002	6073	12831.38828	0.473292513	60730083732011	2	21442.34332	9.32734E-05
60730176061001	4	12845.15074	0.000311402	60730191102009	10	21446.42971	0.000466278
60730178084004	68	12845.90405	0.005293516	60730186121043	2	21446.87924	9.32537E-05
60730170061003	3	12849.26445	0.000233476	60730186121026	2	21447.46058	9.32511E-05
60730170623012	86	12851.07639	0.006692046	60730191031024	2	21450.17826	9.32393E-05
60730170333003	287	12855.44756	0.022325166	60730179011004	2	21451.50231	9.32336E-05
60730199041013	3	12866.60339	0.000233162	60730083514001	2	21452.23928	9.32304E-05
60730170561004	967	12872.89571	0.075119074	60730180001013	33	21454.37879	0.001538148
60730198101032	3	12873.67039	0.000233034	60730185232000	44	21456.96545	0.002050616
60730221022002	2	12874.43232	0.000155347	60730188032003	12	21462.01765	0.000559127
60730198101016	1	12877.48448	7.76549E-05	60730191113000	36	21481.18801	0.001675885
60730178084010	2	12881.98787	0.000155256	60730095041003	1	21481.58077	4.65515E-05
60730170612011	218	12887.19888	0.016916011	60730083602003	2	21481.74286	9.31023E-05
60730083681000	8	12890.91031	0.000620592	60730185042004	142	21483.42675	0.006609746
60730198101035	3	12892.70837	0.00023269	60730191102018	3	21495.56654	0.000139564
60730170203027	53	12892.92715	0.004110781	60730083603001	10	21498.18457	0.000465156
60730171061003	2	12896.71151	0.000155078	60730083504004	1	21501.16144	4.65091E-05
60730170531003	75	12901.18059	0.005813421	60730180001020	9	21511.09845	0.000418389
60730221024001	2692	12905.33923	0.208595834	60730083504001	16	21511.25085	0.000743797

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730199043004	2	12906.41445	0.000154962	60730180001005	113	21511.5601	0.00525299
60730198101036	2	12916.37037	0.000154842	60730083602004	5	21514.77316	0.000232398
60730221022004	2	12919.07604	0.00015481	60730083603002	2	21518.50427	9.29433E-05
60730192081009	56	12927.57983	0.004331824	60730191031027	1	21522.41588	4.64632E-05
60730170623000	83	12932.02301	0.006418176	60730095041002	2	21523.01066	9.29238E-05
60730196022011	98	12936.95208	0.0075752	60730170226008	18	21523.99672	0.000836276
60730170622019	18	12937.41199	0.001391314	60730170472004	2	21533.54971	9.28783E-05
60730199041004	2	12937.5665	0.000154589	60730083732006	4096	21535.75537	0.190195325
60730170522002	17	12957.89784	0.001311941	60730083463012	16	21539.78814	0.000742811
60730196022020	19	12959.32042	0.001466126	60730083603010	1	21544.24419	4.64161E-05
60730174032003	1	12959.90557	7.71611E-05	60730185043002	31	21547.51386	0.001438681
60730170341002	57	12961.25208	0.004397723	60730185222010	1	21548.8155	4.64063E-05
60730171061004	4	12968.64713	0.000308436	60730186121020	44	21550.64851	0.002041702
60730170622021	6	12975.25447	0.000462419	60730170222001	13	21556.19303	0.000603075
60730176061002	1	12977.9581	7.70537E-05	60730083462008	213	21558.00415	0.009880321
60730174034003	3	12986.17325	0.000231015	60730083504006	14	21561.19357	0.000649315
60730199041006	25	12987.0879	0.001924989	60730179012005	356	21564.27802	0.016508784
60730176014016	499	12992.06597	0.038408056	60730083592000	20	21565.55218	0.000927405
60730170623005	2	13001.18348	0.000153832	60730083602002	2	21565.88901	9.2739E-05
60730198101027	3	13001.98465	0.000230734	60730083513001	20	21578.94614	0.000926829
60730083681001	6	13020.79458	0.000460801	60730083514004	2	21586.91359	9.26487E-05
60730221022000	19	13020.90547	0.001459192	60730185222008	93	21588.49136	0.004307851
60730221024004	15	13023.52304	0.001151762	60730180001021	7	21589.5711	0.000324231
60730191053016	11	13026.7729	0.000844415	60730185251002	1	21596.00128	4.63049E-05
60730171061017	2	13042.22857	0.000153348	60730095041004	1	21600.30944	4.62956E-05
60730174034008	5	13051.9235	0.000383085	60730083603008	4	21600.35292	0.000185182
60730192082010	3	13055.53411	0.000229788	60730083514002	1	21602.16679	4.62917E-05
60730192081011	38	13056.05465	0.002910527	60730083504005	4	21602.29279	0.000185166
60730199041000	26	13070.04614	0.001989281	60730191031022	11	21605.82103	0.000509122
60730174034001	235	13080.20426	0.01796608	60730095042002	147	21609.60112	0.006802532
60730176061006	3	13088.92086	0.000229201	60730188032000	32	21612.28918	0.001480639
60730083681003	1	13092.70583	7.63784E-05	60730083514003	5	21614.43623	0.000231327
60730170623001	28	13093.6146	0.002138447	60730179012006	274	21616.81752	0.012675316
60730199041016	2	13110.97098	0.000152544	60730083603007	41	21624.22824	0.001896021
60730176061005	114	13123.12617	0.008686955	60730083603004	4	21625.66196	0.000184965
60730192082012	5	13150.32247	0.000380219	60730185251000	3	21627.73701	0.000138711
60730198101006	2	13151.69831	0.000152072	60730083603005	3	21631.5447	0.000138686
60730199041002	97	13153.80071	0.007374294	60730083603006	8	21637.37301	0.000369731
60730170343003	42	13175.20638	0.003187806	60730180001008	253	21643.89181	0.01168921
60730178084005	1	13180.26875	7.5871E-05	60730191102008	1	21647.64177	4.61944E-05
60730196023000	115	13182.33023	0.008723799	60730083602000	55	21647.77769	0.002540676
60730176061008	835	13186.19627	0.063323796	60730083513000	5	21652.08512	0.000230925
60730170203001	6	13203.75165	0.000454416	60730191113001	1	21652.23785	4.61846E-05
60730198101000	155	13212.90697	0.011730954	60730083463004	142	21656.07895	0.00655705
60730174034006	6	13216.99678	0.000453961	60730083711000	72	21656.39144	0.003324654
60730174033000	285	13238.73266	0.02152774	60730185043001	6	21659.15178	0.000277019
60730174032000	67	13245.34984	0.005058379	60730185242010	5	21666.38805	0.000230772
60730174034009	2	13246.38052	0.000150985	60730170222000	18	21673.50495	0.000830507
60730170501000	229	13249.27643	0.017283963	60730083603012	7	21676.57011	0.000322929
60730221024005	58	13255.59649	0.00437551	60730083513002	2	21680.16298	9.22502E-05
60730198101031	1	13256.50158	7.54347E-05	60730179011000	118	21683.31524	0.005441972
60730221024000	1923	13256.80516	0.145057574	60730191102022	1	21686.67766	4.61113E-05
60730174034002	1	13259.60594	7.5417E-05	60730083603009	1	21690.96022	4.61022E-05

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730196022016	37	13259.65726	0.002790419	60730170223000	2	21694.98539	9.21872E-05
60730198101004	10	13266.32065	0.000753789	60730083462003	791	21701.01485	0.036449908
60730178084006	1	13272.35536	7.53446E-05	60730180001022	2	21709.45551	9.21258E-05
60730174034007	5	13272.63788	0.000376715	60730083502000	95	21719.7378	0.004373902
60730198101033	3	13273.95083	0.000226007	60730208012034	9	21721.96412	0.000414327
60730198101003	1	13289.37205	7.52481E-05	60730083513006	1	21724.91698	4.60301E-05
60730176014014	310	13296.49616	0.023314413	60730083502005	2	21729.32958	9.20415E-05
60730083683000	8	13303.31694	0.000601354	60730083502010	970	21752.43206	0.044592715
60730221024012	2	13314.89797	0.000150208	60730083603011	4	21752.72613	0.000183885
60730176061011	335	13324.30066	0.025142032	60730083502004	1	21759.62946	4.59567E-05
60730174032002	1	13332.38753	7.50053E-05	60730083513004	4	21761.69989	0.000183809
60730197023001	3	13333.6012	0.000224995	60730083514005	4	21771.92222	0.000183723
60730198111025	708	13335.79627	0.053090193	60730180001009	157	21775.6008	0.007209904
60730178084007	7	13338.00567	0.000524816	60730185233005	8	21776.62928	0.000367366
60730170621003	2	13342.50569	0.000149897	60730186121017	257	21777.32612	0.011801265
60730170612010	148	13342.6481	0.011092251	60730185242000	407	21779.22752	0.018687531
60730197023002	4	13345.10921	0.000299735	60730083514006	5	21780.72624	0.000229561
60730221022001	71	13346.71774	0.00531966	60730191033007	22	21785.88357	0.001009828
60730199041019	6	13352.35635	0.000449359	60730185231000	137	21788.34886	0.006287764
60730174033003	2	13358.06197	0.000149722	60730083391015	1071	21799.9974	0.049128446
60730192082000	3	13358.7585	0.000224572	60730185242003	4	21802.70501	0.000183463
60730199041007	9	13361.48178	0.000673578	60730185203006	3	21812.05451	0.000137539
60730174032001	8	13367.52094	0.000598465	60730185242001	357	21812.56741	0.016366712
60730191054021	5	13379.57225	0.000373704	60730083732008	2	21820.00166	9.1659E-05
60730171061021	16	13381.01657	0.001195724	60730185042000	130	21821.96945	0.005957299
60730170333004	4	13382.80026	0.000298891	60730083601001	19	21822.01454	0.00087068
60730198101005	7	13395.17643	0.000522576	60730083462001	735	21836.015	0.033659988
60730191053013	20	13407.52604	0.0014917	60730083514007	1	21841.15695	4.57851E-05
60730198101029	2	13418.88877	0.000149044	60730083463006	2	21846.31527	9.15486E-05
60730170621000	58	13420.58238	0.00432172	60730191033003	2	21847.71775	9.15427E-05
60730198101028	5	13422.54964	0.000372507	60730170225003	1241	21850.06773	0.056796163
60730170553000	925	13425.94215	0.068896468	60730185043004	11	21851.34252	0.000503402
60730191054022	8	13441.06323	0.000595191	60730185203001	2	21851.69682	9.15261E-05
60730191053012	17	13442.2801	0.001264666	60730170225002	883	21857.71197	0.040397641
60730198111017	423	13442.35302	0.031467705	60730186121032	461	21858.70198	0.021089999
60730192082009	6	13448.12256	0.000446159	60730185242004	2	21865.41611	9.14686E-05
60730174033006	9	13458.8462	0.000668705	60730191033002	7	21874.11214	0.000320013
60730174033004	1	13462.74956	7.4279E-05	60730095042001	15	21877.9578	0.000685622
60730170623009	6	13476.84124	0.000445208	60730083502002	4	21882.4655	0.000182795
60730170511000	336	13477.22672	0.024930945	60730170473000	12	21884.24565	0.00054834
60730083681005	6	13478.38893	0.000445157	60730170224003	1	21884.43958	4.56946E-05
60730176052002	2	13480.34596	0.000148364	60730083463014	24	21905.34054	0.001095623
60730221024002	2051	13481.30782	0.152136575	60730170222003	11	21907.30151	0.000502116
60730196021002	1	13487.6237	7.4142E-05	60730180001012	1	21917.34115	4.5626E-05
60730221024007	4	13504.03698	0.000296208	60730185203002	1	21933.94228	4.55914E-05
60730171061016	18	13504.3959	0.001332899	60730208011025	9	21938.71364	0.000410234
60730083683004	2	13511.3587	0.000148024	60730208071027	8	21946.29737	0.000364526
60730083681006	5	13519.29378	0.000369842	60730083601000	60	21946.70663	0.002733895
60730170544000	1588	13520.8039	0.117448638	60730083502003	4	21947.85692	0.00018225
60730176052000	28	13528.80833	0.002069658	60730186121031	58	21949.57691	0.00264242
60730170333011	1	13533.22931	7.38922E-05	60730185203000	8	21951.86133	0.000364434
60730170612016	11	13535.35493	0.000812686	60730083501006	3	21958.04246	0.000136624
60730196021003	44	13546.6687	0.003248031	60730095044006	30	21962.41852	0.00136597

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730083683007	1	13556.17751	7.37671E-05	60730180001011	7	22002.08128	0.000318152
60730198083001	1	13556.36224	7.37661E-05	60730083711001	52	22021.98442	0.002361277
60730170333014	1	13564.70511	7.37207E-05	60730095041017	2	22023.14633	9.08135E-05
60730083683002	10	13567.38538	0.000737062	60730170223001	10	22026.94235	0.000453989
60730199041008	6	13567.69283	0.000442227	60730185043005	91	22059.16311	0.00412527
60730174062001	2	13578.56284	0.000147291	60730170224005	1	22061.74065	4.53273E-05
60730176052001	18	13587.84507	0.001324713	60730185123000	23	22063.56507	0.001042443
60730191053011	8	13593.83696	0.000588502	60730188034019	44	22064.20356	0.00199418
60730178083007	6	13594.96297	0.00044134	60730191071013	8	22065.99451	0.000362549
60730170333013	6	13601.60787	0.000441124	60730191033000	3	22066.04236	0.000135956
60730174033001	11	13602.50426	0.000808675	60730083502008	286	22073.19345	0.012956893
60730199041005	3	13605.93227	0.000220492	60730185043007	3	22073.62465	0.000135909
60730191054016	17	13609.79116	0.001249101	60730188032011	6	22081.23437	0.000271724
60730221024013	467	13620.0454	0.034287698	60730083501003	5	22092.33342	0.000226323
60730170561003	1818	13620.57432	0.133474548	60730185042006	5	22098.29496	0.000226262
60730170623010	2	13625.41682	0.000146785	60730083501045	4	22107.28534	0.000180936
60730197024000	118	13633.70259	0.008655022	60730083711002	1560	22109.03863	0.070559377
60730170531001	44	13634.43973	0.003227122	60730191071012	14	22116.53427	0.000633011
60730199041018	11	13635.63516	0.00080671	60730095044005	4	22116.79414	0.000180858
60730170541000	24	13639.10123	0.001759647	60730191033011	16	22118.54596	0.000723375
60730192082008	24	13667.85113	0.001755945	60730188032010	15	22119.10447	0.000678147
60730198082004	3	13675.51918	0.00021937	60730083391013	314	22123.81841	0.014192848
60730174062000	827	13681.96378	0.060444539	60730083502007	475	22124.45324	0.021469457
60730174033005	11	13691.94347	0.000803392	60730083711003	5	22125.43016	0.000225984
60730197023000	30	13694.59771	0.002190645	60730170224000	316	22125.52733	0.014282145
60730196022001	40	13704.21548	0.00291881	60730185202008	2	22127.00683	9.03873E-05
60730171061007	4	13711.42143	0.000291728	60730185123010	4	22129.04991	0.000180758
60730191054023	25	13715.96157	0.001822694	60730208071028	16	22129.45345	0.000723018
60730196022000	5	13734.56062	0.000364045	60730083501002	2	22131.49089	9.0369E-05
60730191051026	19	13737.35768	0.00138309	60730170225010	649	22132.68592	0.029323147
60730176052003	2	13737.93213	0.000145582	60730185123009	1	22134.81505	4.51777E-05
60730207111035	82	13739.06447	0.005968383	60730185114000	107	22145.02308	0.004831785
60730221024009	2	13740.2159	0.000145558	60730185201002	8	22148.69526	0.000361195
60730170553001	82	13770.66182	0.005954688	60730179011003	16	22152.25936	0.000722274
60730198082000	7	13775.38953	0.000508153	60730191031018	104	22154.74629	0.004694254
60730170352000	7	13776.72888	0.000508103	60730185042012	8	22162.30018	0.000360973
60730170621004	202	13795.37994	0.014642583	60730095043007	4	22165.01894	0.000180465
60730192081010	15	13795.91676	0.001087278	60730083712000	34	22165.68067	0.001533903
60730170612024	249	13796.14313	0.018048523	60730185201001	1	22173.74517	4.50984E-05
60730170212006	22	13799.0068	0.001594318	60730208011024	36	22188.74736	0.001622444
60730198083013	3	13807.86194	0.000217268	60730191031020	15	22192.16594	0.000675914
60730198081006	2	13810.27625	0.00014482	60730185042005	3	22203.68281	0.000135113
60730196022005	9	13810.62359	0.000651672	60730181021005	60	22209.77034	0.002701514
60730083683008	2	13812.06208	0.000144801	60730185041016	13	22243.52638	0.00058444
60730170541001	16	13817.56923	0.001157946	60730095044002	7	22245.99956	0.000314663
60730221024006	1295	13824.51811	0.093674151	60730083601003	670	22246.07139	0.030117677
60730170333010	1	13825.55039	7.23299E-05	60730185202005	2	22247.17747	8.9899E-05
60730221012009	5505	13826.63791	0.398144512	60730083602005	824	22251.1944	0.03703172
60730199041009	84	13827.23473	0.006074967	60730095044000	45	22255.81523	0.002021943
60730170612018	115	13840.23729	0.008309106	60730185233002	177	22258.53565	0.007952006
60730176052004	18	13845.98026	0.001300016	60730185122009	1	22270.9367	4.49016E-05
60730178083006	210	13850.83473	0.015161541	60730185202000	22	22280.09742	0.000987428
60730170501002	2	13861.92405	0.00014428	60730170224004	10	22280.10722	0.000448831

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730170621008	148	13864.89926	0.010674437	60730181021001	11	22282.15646	0.000493669
60730221021005	35	13868.73797	0.002523661	60730191093045	1	22286.31308	4.48706E-05
60730174032005	38	13874.17649	0.002738901	60730185233004	1	22298.07246	4.48469E-05
60730174033007	8	13875.17422	0.000576569	60730170225009	12	22303.59824	0.00053803
60730198111012	288	13876.00707	0.02075525	60730185123006	1	22327.74131	4.47873E-05
60730083683005	91	13878.63393	0.006556841	60730208011001	2	22328.44933	8.95718E-05
60730207111011	1	13891.40058	7.1987E-05	60730185042001	84	22333.0515	0.003761241
60730198082003	29	13892.03803	0.002087527	60730185202004	2	22337.34509	8.95362E-05
60730198082005	1	13900.96256	7.19375E-05	60730185043008	2	22340.44517	8.95237E-05
60730170351000	44	13913.71675	0.003162347	60730186122009	51	22344.37746	0.002282453
60730170352004	3	13915.2955	0.00021559	60730185122005	22	22346.12259	0.000984511
60730170612026	140	13916.58128	0.010059942	60730095043004	7	22347.07617	0.00031324
60730198111026	137	13919.99763	0.009841956	60730185212016	4	22362.07173	0.000178874
60730196022007	2	13923.88196	0.000143638	60730185201000	99	22368.73523	0.00442582
60730170612017	2	13928.86368	0.000143587	60730185041017	2	22377.52503	8.93754E-05
60730170621005	13	13937.38348	0.000932743	60730181012000	3	22378.254	0.000134059
60730198081008	1	13937.48293	7.1749E-05	60730185042009	8	22381.27745	0.000357442
60730192082007	8	13938.68851	0.000573942	60730181022008	18	22383.03917	0.00080418
60730196023001	122	13939.85424	0.008751885	60730185202007	2	22385.50458	8.93435E-05
60730196021004	55	13941.68743	0.003945003	60730181022009	7	22387.70958	0.000312672
60730170531000	21	13950.2989	0.001505344	60730208012027	9	22388.53817	0.000401991
60730176014019	170	13953.44517	0.012183371	60730170225011	3	22396.03533	0.000133952
60730198091008	6	13960.82837	0.000429774	60730181021003	4	22405.60623	0.000178527
60730176052005	31	13965.37574	0.002219776	60730083462005	2881	22406.66738	0.1285778
60730199041010	12	13967.48729	0.000859138	60730185202003	17	22410.31931	0.000758579
60730170352005	8	13970.00745	0.000572655	60730185212020	13	22432.49367	0.000579516
60730083683010	1	13975.88316	7.15518E-05	60730185201003	3	22434.66461	0.000133722
60730170553002	732	13985.12128	0.052341341	60730181021012	5	22435.38543	0.000222862
60730198082002	1	13985.66491	7.15018E-05	60730208012015	4	22435.70468	0.000178287
60730196021000	6	13987.51203	0.000428954	60730083501000	40	22436.31112	0.001782824
60730170531004	6	13987.83911	0.000428944	60730185041018	1	22438.02996	4.45672E-05
60730174033008	3	13990.87584	0.000214425	60730185202010	11	22463.88547	0.000489675
60730170352006	2	14003.02417	0.000142826	60730185233000	62	22472.01462	0.002758987
60730170541002	17	14007.19562	0.001213662	60730181021011	17	22472.40844	0.000756483
60730176014015	20	14008.63011	0.001427691	60730208052033	1	22475.52711	4.44928E-05
60730221024011	180	14012.97446	0.012845239	60730095043009	4	22476.64579	0.000177962
60730192092025	4	14014.10671	0.000285427	60730185121002	22	22477.7843	0.000978744
60730170612022	3	14018.43304	0.000214004	60730181022006	69	22483.17708	0.003068961
60730176062005	1	14020.37391	7.13248E-05	60730185202006	11	22489.65651	0.000489114
60730170552002	523	14027.17348	0.037284775	60730188032009	10	22491.70702	0.000444608
60730191053008	6	14028.32259	0.000427706	60730170225012	3	22500.5764	0.00013333
60730174061000	1	14033.70463	7.1257E-05	60730188034001	117	22505.87717	0.005198642
60730083362001	9	14040.09802	0.000641021	60730188031018	2	22511.01513	8.88454E-05
60730175021003	6	14046.29717	0.000427159	60730191093056	8	22513.78714	0.000355338
60730198083000	55	14067.75154	0.003909651	60730083602007	310	22521.95385	0.013764348
60730170352008	6	14077.1727	0.000426222	60730185042008	45	22523.89956	0.001997878
60730173052010	7	14091.42368	0.000496756	60730181021007	1	22524.21697	4.43967E-05
60730198081002	2	14096.44664	0.00014188	60730208013015	1	22526.17189	4.43928E-05
60730175021001	1	14098.95812	7.09272E-05	60730181012002	47	22533.9599	0.002085741
60730221024008	247	14099.55632	0.017518282	60730186122007	1	22538.26793	4.4369E-05
60730170541004	7	14100.14899	0.000496449	60730188033005	176	22539.28392	0.007808589
60730170501004	3	14102.24545	0.000212732	60730083602006	470	22548.74288	0.020843734
60730171061022	1	14104.06442	7.09015E-05	60730083462004	2059	22549.6031	0.091309811

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730173052003	6	14115.19892	0.000425074	60730185102002	74	22559.44268	0.003280223
60730174033009	2	14118.31672	0.00014166	60730083602008	632	22563.87413	0.028009374
60730170561010	21	14123.74642	0.001486858	60730083501010	2381	22565.79427	0.10551368
60730170333012	18	14125.93628	0.001274252	60730181022007	1	22569.47867	4.43076E-05
60730170212012	5	14127.95398	0.000353908	60730083602009	900	22570.81488	0.039874502
60730176062003	4	14132.62416	0.000283033	60730191103030	12	22573.3698	0.0005316
60730221012010	1996	14133.98172	0.141219936	60730181021008	4	22577.64756	0.000177166
60730170531005	16	14135.44045	0.001131907	60730186122002	2	22579.95334	8.85741E-05
60730170541005	5	14143.75699	0.000353513	60730185042002	49	22580.2535	0.002170038
60730221021000	38	14143.77463	0.002686694	60730083602010	548	22581.18213	0.024267994
60730196021005	121	14144.165	0.008554764	60730208011023	19	22586.45131	0.000841212
60730196021001	309	14155.95999	0.021828262	60730188032001	6	22589.45563	0.000265611
60730199041012	11	14161.44153	0.000776757	60730095043008	6	22596.52729	0.000265528
60730170501005	1	14172.06241	7.05614E-05	60730188034002	216	22600.75154	0.009557204
60730171061009	86	14173.96714	0.006067462	60730186122008	3	22600.79187	0.000132739
60730083362002	2	14176.38888	0.00014108	60730181021009	2	22614.1654	8.84401E-05
60730201103005	1	14184.11244	7.05014E-05	60730188034014	14	22627.20041	0.000618724
60730170561011	13	14187.04345	0.000916329	60730181012022	2	22627.87404	8.83866E-05
60730176062007	1	14194.49515	7.04498E-05	60730185041013	1	22634.03252	4.41813E-05
60730170203016	1	14196.52127	7.04398E-05	60730095043001	96	22635.97839	0.004241036
60730170612021	2	14196.92927	0.000140876	60730181013000	51	22638.22239	0.002252827
60730196022003	7	14198.34578	0.000493015	60730191093058	3	22646.75551	0.000132469
60730170352010	16	14198.80751	0.001126855	60730181012021	2	22650.88933	8.82968E-05
60730176014020	8	14206.7012	0.000563115	60730181021010	108	22651.02729	0.004767996
60730198083016	1	14206.77976	7.03889E-05	60730185212001	1	22654.03997	4.41422E-05
60730170541006	95	14214.55568	0.00668329	60730095043002	309	22654.79655	0.013639496
60730196014004	128	14215.58719	0.009004201	60730185112004	13	22655.15176	0.000573821
60730198081001	3	14216.46594	0.000211023	60730191101013	30	22673.28424	0.001323143
60730174052000	12	14235.6177	0.000842956	60730083391014	679	22685.96371	0.029930401
60730170553008	14	14236.14293	0.000983412	60730083462000	7721	22687.66079	0.340317147
60730195032017	71	14242.12933	0.00498521	60730185041019	2	22689.62005	8.8146E-05
60730170352011	2	14245.03839	0.0001404	60730170101011	4	22693.08188	0.000176265
60730175023000	1	14248.05076	7.0185E-05	60730185212003	1	22694.00987	4.40645E-05
60730174061002	22	14253.82123	0.001543446	60730185041011	3	22697.20676	0.000132175
60730196013006	12	14256.82283	0.000841702	60730181022003	17	22698.4167	0.000748951
60730170612020	3	14279.69918	0.000210088	60730083502006	7857	22703.48859	0.346070163
60730221012007	1520	14280.22759	0.106440881	60730181012003	1	22703.87519	4.40453E-05
60730221021004	14	14281.17936	0.000980311	60730185042014	66	22708.58328	0.00290639
60730176062000	905	14287.15751	0.063343601	60730186122003	1	22719.81605	4.40144E-05
60730178083004	4	14290.84914	0.000279899	60730185212005	5	22721.21015	0.000220059
60730173062000	2	14290.9098	0.000139949	60730185122004	23	22723.96567	0.001012147
60730170531006	3	14292.52934	0.0002099	60730185113001	4	22726.89066	0.000176003
60730191054020	4	14300.5744	0.000279709	60730083391012	51	22730.0494	0.002243726
60730196014003	1	14306.10214	6.99002E-05	60730181012004	6	22739.0442	0.000263863
60730196014000	1	14307.81915	6.98919E-05	60730186122001	2	22744.42708	8.79336E-05
60730176062002	5	14308.71756	0.000349437	60730083601002	784	22745.56274	0.034468261
60730201103025	10	14310.03128	0.00069881	60730185212006	1	22746.79495	4.39622E-05
60730198092007	2	14311.47526	0.000139748	60730083501015	1233	22747.27657	0.054204291
60730170561007	1	14313.85808	6.98624E-05	60730181022004	1	22751.9546	4.39523E-05
60730175021000	249	14315.75442	0.017393425	60730208013016	1	22752.5162	4.39512E-05
60730083683006	18	14315.79422	0.001257353	60730188031025	1	22753.74554	4.39488E-05
60730195032019	128	14320.46785	0.008938255	60730083502009	841	22766.46769	0.036940294
60730170501006	51	14328.51918	0.003559335	60730191101015	29	22769.15886	0.001273653

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730170561012	9	14330.52502	0.00062803	60730181012005	1	22774.43175	4.39089E-05
60730175023001	2	14336.33886	0.000139506	60730185121000	151	22779.1439	0.006628871
60730197024003	15	14338.54173	0.001046131	60730185042015	5	22789.71105	0.000219397
60730198092000	6	14340.01128	0.00041841	60730181012015	15	22793.51237	0.000658082
60730170612019	2	14343.50928	0.000139436	60730185042011	91	22794.72273	0.003992152
60730201103006	2	14343.70011	0.000139434	60730191091011	8	22796.9552	0.000350924
60730170553010	1	14344.25803	6.97143E-05	60730185113003	9	22799.34876	0.000394748
60730191051019	31	14355.701	0.002159421	60730083462013	1154	22804.178	0.050604762
60730174061001	47	14356.1643	0.003273855	60730185113004	1	22812.65443	4.38353E-05
60730178083008	2	14360.20415	0.000139274	60730191091014	6	22815.74579	0.000262976
60730198081000	9	14366.41975	0.000626461	60730186122000	4	22819.93974	0.000175285
60730175021002	5	14369.77278	0.000347953	60730188031024	6	22823.07334	0.000262892
60730198091001	21	14376.62255	0.001460705	60730083462023	1373	22827.78181	0.06014601
60730170351004	1	14380.77902	6.95373E-05	60730185041012	4	22829.96286	0.000175208
60730170544001	128	14383.60183	0.008899023	60730181012014	52	22830.07854	0.002277697
60730083361001	2	14390.97025	0.000138976	60730170225008	4	22830.0962	0.000175207
60730197022000	8	14392.57242	0.000555842	60730208013020	1	22852.43123	4.3759E-05
60730170353000	156	14396.73706	0.010835789	60730185211012	1	22853.16874	4.37576E-05
60730195032016	1	14405.31812	6.94188E-05	60730181012008	1	22855.28156	4.37536E-05
60730170532000	7	14409.08823	0.000485805	60730181022012	2	22855.31164	8.7507E-05
60730174062002	138	14409.4439	0.009577052	60730083501013	202	22859.01397	0.008836777
60730197021000	2	14410.10147	0.000138792	60730185111005	3	22864.77444	0.000131206
60730170553011	1	14425.63145	6.93211E-05	60730181022000	79	22865.51532	0.003454984
60730170552000	29	14426.07452	0.002010249	60730185211001	2	22867.07524	8.7462E-05
60730196014001	1	14430.63395	6.9297E-05	60730208052032	2	22884.73504	8.73945E-05
60730191054015	20	14430.89426	0.001385915	60730094001024	21	22892.14081	0.000917345
60730170203019	1	14438.27467	6.92604E-05	60730185113000	11	22892.55607	0.000480506
60730173052005	10	14440.56327	0.000692494	60730191103028	6	22896.35849	0.00026205
60730176051008	4	14443.15336	0.000276948	60730094001008	40	22897.47659	0.001746917
60730170332000	2	14449.32357	0.000138415	60730094001007	81	22899.53919	0.003537189
60730201103010	3	14453.10154	0.000207568	60730083712006	227	22923.58032	0.009902467
60730221012021	1316	14454.71364	0.091042966	60730186191010	12	22925.95462	0.000523424
60730178083003	708	14456.43434	0.048974732	60730185122002	7	22927.73146	0.000305307
60730174052004	18	14456.50045	0.001245115	60730181022002	15	22930.06285	0.000654163
60730176051000	145	14459.13926	0.010028259	60730083501012	973	22932.3179	0.042429204
60730201103023	2	14459.8893	0.000138314	60730185042010	501	22943.72259	0.021836038
60730221012011	96	14461.62666	0.006638257	60730185211008	7	22955.76411	0.000304934
60730175022000	25	14466.4884	0.001728132	60730185041005	2	22967.61958	8.70791E-05
60730175023002	108	14468.76574	0.007464355	60730181012012	2	22973.30275	8.70576E-05
60730083361000	12	14469.04749	0.000829357	60730185121012	131	22986.56291	0.005698982
60730083684007	4	14470.95192	0.000276416	60730181023006	14	22992.91674	0.000608883
60730197011024	1	14472.12963	6.90983E-05	60730185211017	69	22998.74876	0.003000163
60730221012000	817	14474.85081	0.056442723	60730191103020	25	23005.92366	0.001086677
60730083362008	5	14480.52296	0.000345291	60730181012013	121	23009.59544	0.005258676
60730170351003	1	14481.21296	6.9055E-05	60730083501014	676	23012.91401	0.029374811
60730197024002	53	14487.60213	0.0036583	60730185112002	4	23019.02625	0.000173769
60730196013003	1	14488.90491	6.90183E-05	60730186192005	40	23021.85677	0.001737479
60730083362003	1	14493.43672	6.89967E-05	60730191031029	1	23035.80984	4.34107E-05
60730195032012	54	14493.94895	0.003725693	60730083462019	136	23035.9627	0.005903812
60730176051003	2	14494.01424	0.000137988	60730185211019	2	23041.81183	8.67987E-05
60730196011008	10	14494.28251	0.000689927	60730185211023	3	23046.9334	0.000130169
60730196011000	1	14503.85856	6.89472E-05	60730094001105	36	23060.02008	0.001561143
60730174052001	9	14515.95005	0.000620008	60730185212000	119	23063.12742	0.005159751

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730191053007	4	14523.69143	0.000275412	60730083462017	1411	23069.28232	0.061163585
60730170541007	54	14539.74686	0.003713957	60730181013006	5	23072.14978	0.000216711
60730176051009	2	14541.07282	0.000137541	60730191031013	2	23073.83192	8.66783E-05
60730170562000	26	14549.41523	0.001787013	60730185211026	3	23074.06468	0.000130016
60730198091009	170	14555.70166	0.011679272	60730181023007	27	23086.43399	0.001169518
60730083672006	12	14556.10851	0.000824396	60730185211018	2	23089.54427	8.66193E-05
60730174052003	9	14560.78252	0.000618099	60730208011012	10	23103.12579	0.000432842
60730196014002	24	14564.95341	0.001647791	60730188033004	6	23104.71341	0.000259687
60730197021004	12	14566.35107	0.000823816	60730185212011	351	23105.15979	0.015191412
60730170333006	227	14585.79517	0.015563087	60730186183006	1	23108.82126	4.32735E-05
60730191051011	22	14585.90432	0.001508306	60730208013021	6	23109.35104	0.000259635
60730198092001	11	14588.86598	0.000754	60730185041002	5	23110.89473	0.000216348
60730176012002	18	14591.63219	0.001233584	60730185041000	121	23118.00178	0.005234016
60730176051001	2	14600.7056	0.00013698	60730208052031	3	23136.62203	0.000129665
60730174052002	9	14602.2079	0.000616345	60730186202004	7	23144.42764	0.000302449
60730170553004	2	14604.59184	0.000136943	60730208052039	28	23144.69329	0.001209781
60730196013000	15	14605.40748	0.001027017	60730181013004	18	23148.31106	0.000777595
60730170532003	6	14618.16293	0.000410448	60730181013008	11	23154.18562	0.000475076
60730174061005	3	14620.38213	0.000205193	60730185211025	1	23163.42071	4.31715E-05
60730083362007	1	14623.5382	6.83829E-05	60730185211011	1	23169.14417	4.31609E-05
60730176012007	12	14626.54624	0.000820426	60730185102005	2	23171.10099	8.63144E-05
60730191054010	15	14638.82801	0.001024672	60730185111007	24	23172.95405	0.00103569
60730221021001	42	14643.04583	0.002868256	60730185102007	8	23173.65084	0.00034522
60730170551000	6	14646.95265	0.000409642	60730181011019	1	23174.02566	4.31518E-05
60730175022001	20	14648.05631	0.001365369	60730188033008	3	23178.78898	0.000129429
60730170401000	432	14655.41131	0.029477167	60730083462022	1162	23187.29625	0.050113648
60730195032013	11	14658.53814	0.000750416	60730181013009	24	23189.5417	0.001034949
60730191054009	5	14660.20744	0.000341059	60730191103016	1	23198.90114	4.31055E-05
60730201103009	1	14663.59053	6.81961E-05	60730208052036	7	23201.79435	0.000301701
60730176032000	3	14663.69029	0.000204587	60730185111000	6	23202.45217	0.000258593
60730178083000	84	14664.22205	0.005728228	60730185111004	2	23206.22814	8.61838E-05
60730195032011	82	14664.52113	0.005591727	60730083501018	145	23210.18333	0.006247258
60730221023004	494	14670.35568	0.033673349	60730188033002	20	23214.08361	0.000861546
60730170553003	2	14671.88122	0.000136315	60730186183005	2	23216.62077	8.61452E-05
60730170562001	2	14672.85944	0.000136306	60730181011018	3	23216.63636	0.000129218
60730174053001	13	14678.02602	0.000885678	60730185111006	2	23218.48415	8.61383E-05
60730207112008	3	14689.21196	0.000204232	60730083501024	4255	23218.51659	0.183258908
60730170552005	1	14689.97694	6.80736E-05	60730188033009	1	23219.35918	4.30675E-05
60730083362006	1	14691.38367	6.80671E-05	60730083501009	1319	23221.66215	0.056800413
60730176051004	470	14702.24385	0.031967909	60730083462020	7	23223.89451	0.000301414
60730176012003	10	14704.68875	0.000680055	60730181023005	67	23224.66448	0.002884864
60730083362004	13	14707.11655	0.000883926	60730185041003	1	23228.54879	4.30505E-05
60730198092006	7	14707.62287	0.000475944	60730186183000	87	23229.25883	0.003745277
60730176012006	68	14710.16598	0.004622653	60730083391005	4488	23235.15549	0.193155583
60730176012008	14	14722.17474	0.000950946	60730186211001	143	23241.506	0.006152785
60730170211004	2	14727.42107	0.000135801	60730185211028	24	23243.82782	0.001032532
60730173062002	3	14727.65475	0.000203698	60730185102008	6	23247.20248	0.000258096
60730215021001	2	14727.72282	0.000135798	60730083462021	796	23247.39693	0.034240393
60730083282025	184	14727.79672	0.012493383	60730208052004	1	23249.14601	4.30123E-05
60730083684002	7	14732.81911	0.00047513	60730191101016	6	23252.86114	0.000258033
60730083672009	1	14735.20721	6.78647E-05	60730083462011	3250	23258.41994	0.139734342
60730197022001	28	14737.10776	0.001899966	60730185092004	188	23258.67891	0.008083004
60730175023003	164	14739.24616	0.011126756	60730186121039	4	23262.26345	0.000171952

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730198091010	2	14742.63577	0.000135661	60730083391028	57	23275.91965	0.002448883
60730170621006	21	14743.79483	0.001424328	60730208071025	2	23280.29044	8.59096E-05
60730083672008	2	14747.79777	0.000135613	60730185102000	66	23280.88292	0.002834944
60730083282004	2	14748.8432	0.000135604	60730186202000	2	23281.76649	8.59041E-05
60730201103007	3	14749.99521	0.00020339	60730186202003	60	23283.25383	0.002576959
60730170331000	5	14752.25526	0.000338931	60730083391020	892	23288.82559	0.038301631
60730083682002	75	14757.58025	0.005082134	60730094001022	76	23299.55355	0.003261865
60730176032001	4	14760.20445	0.000270999	60730186202005	3	23305.57254	0.000128725
60730221012008	615	14773.76534	0.041627844	60730186201008	2	23317.23086	8.57735E-05
60730197011023	27	14782.44527	0.001826491	60730186092004	2	23320.23431	8.57624E-05
60730221021003	2	14793.20732	0.000135197	60730181011022	9	23322.42265	0.000385895
60730174053003	1	14797.53226	6.75788E-05	60730208052040	1	23322.79447	4.28765E-05
60730196013004	80	14800.95984	0.005405055	60730185101005	2	23340.66325	8.56874E-05
60730173052007	17	14806.20269	0.001148167	60730185091008	81	23342.67461	0.003470039
60730170551002	2	14808.03175	0.000135062	60730185211016	6	23350.93077	0.000256949
60730221023008	4	14813.96994	0.000270015	60730191103027	16	23355.58985	0.000685061
60730207101008	62	14821.98824	0.004182975	60730083121003	160	23359.89716	0.006849345
60730170332002	4	14824.72723	0.000269819	60730208071038	21	23372.02657	0.00089851
60730170331002	12	14831.03332	0.000809114	60730185101010	2	23383.23448	8.55314E-05
60730170203021	1	14832.14695	6.74211E-05	60730083391019	652	23389.15843	0.027876163
60730174051000	64	14834.53777	0.004314256	60730083462024	4372	23394.98947	0.186877622
60730174053000	37	14837.6934	0.002493649	60730083462018	2686	23399.08221	0.114790827
60730170552004	2	14840.97163	0.000134762	60730181023001	24	23405.03815	0.00102542
60730174061003	23	14842.30145	0.001549625	60730185212012	6	23409.58378	0.000256305
60730170561006	316	14848.11154	0.021282168	60730186211005	169	23411.41846	0.0072187
60730176051005	393	14850.76105	0.02646329	60730186222011	7	23413.22764	0.000298976
60730197011021	20	14852.27876	0.001346595	60730185111002	7	23417.00867	0.000298928
60730176032006	3	14855.33739	0.000201948	60730185102003	209	23420.97797	0.008923624
60730083684006	4	14862.9121	0.000269126	60730181011013	1	23426.08723	4.26875E-05
60730197022003	5	14865.13936	0.000336357	60730181011021	3	23430.49291	0.000128038
60730083672003	5	14865.6625	0.000336346	60730208052038	14	23432.61394	0.000597458
60730170532002	23	14867.22332	0.001547027	60730191071001	37	23438.72947	0.001578584
60730215021010	2	14870.39515	0.000134495	60730186201009	2	23441.16314	8.532E-05
60730195032005	163	14880.46088	0.010953962	60730186202001	4	23455.6168	0.000170535
60730192091021	2	14883.44554	0.000134377	60730208052001	3	23456.03129	0.000127899
60730174053004	7	14887.84613	0.000470182	60730186183003	2	23461.45735	8.52462E-05
60730083361002	4	14889.29404	0.000268649	60730181011020	8	23466.9236	0.000340905
60730170551001	9	14889.39223	0.000604457	60730185101004	11	23476.32932	0.000468557
60730198092004	2	14893.70182	0.000134285	60730185094001	9	23481.90302	0.000383274
60730170331001	3	14894.17447	0.000201421	60730191103019	3	23484.16701	0.000127746
60730197022002	366	14899.04087	0.02456534	60730185041006	7	23488.16597	0.000298022
60730083362009	10	14899.32118	0.000671172	60730094001041	46	23491.62009	0.001958145
60730170181005	3	14903.1859	0.000201299	60730185101003	53	23497.32538	0.002255576
60730198091014	9	14911.01551	0.000603581	60730186172009	73	23500.97463	0.003106254
60730178081008	8	14914.86992	0.000536377	60730186202002	6	23508.29898	0.000255229
60730197021003	3	14922.13044	0.000201044	60730094001010	31	23511.31096	0.001318514
60730083282009	3	14923.15723	0.00020103	60730186201007	7	23512.5078	0.000297714
60730175022002	48	14923.17177	0.003216474	60730186183004	3	23518.32675	0.00012756
60730196011005	5	14929.08075	0.000334917	60730186223011	6	23535.33308	0.000254936
60730198092003	225	14933.01176	0.015067289	60730083501025	753	23535.79357	0.031993822
60730083682000	1	14934.21523	6.69603E-05	60730185111001	4	23543.21841	0.0001699
60730170332001	4	14940.325	0.000267732	60730186222002	8	23547.01264	0.000339746
60730174053005	1	14943.42904	6.6919E-05	60730083501016	1104	23552.34937	0.046874305

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730083684000	231	14945.99153	0.015455649	60730208052055	2	23555.55237	8.49057E-05
60730170363004	1	14946.05343	6.69073E-05	60730208052059	8	23559.11821	0.000339571
60730176012004	40	14952.03516	0.002675221	60730191091009	2	23563.46847	8.48771E-05
60730170562003	3	14954.30014	0.000200611	60730186092000	32	23563.48149	0.001358034
60730083282007	4	14955.81626	0.000267454	60730083501021	2164	23563.52597	0.09183685
60730176012010	57	14956.77454	0.003810982	60730181011003	3	23564.50389	0.00012731
60730176032007	1	14956.99206	6.68584E-05	60730083462010	785	23566.66077	0.033309768
60730170552006	2	14961.22913	0.000133679	60730083501017	1333	23572.06754	0.056549982
60730175023004	7	14966.24958	0.000467719	60730188041016	1	23583.49067	4.24025E-05
60730221023000	500	14968.80058	0.03340281	60730181011000	12	23587.93387	0.000508735
60730174063000	30	14971.97166	0.002003744	60730185101000	121	23591.8405	0.005128892
60730201103008	132	14975.09633	0.008814634	60730185041001	165	23593.52585	0.006993444
60730195032006	35	14975.69407	0.00233712	60730186201010	1	23595.72094	4.23806E-05
60730174063004	1	14978.10851	6.67641E-05	60730185101001	9	23603.42622	0.000381301
60730215021006	4	14978.26076	0.000267054	60730186211007	1	23606.72915	4.23608E-05
60730174051008	13	14979.69967	0.000867841	60730181011007	4	23610.79651	0.000169414
60730192101010	9	14983.25965	0.00060067	60730083501041	1102	23617.83752	0.046659649
60730191051012	59	14983.90408	0.003937559	60730185101009	1	23619.45954	4.2338E-05
60730191052018	2	14994.62555	0.000133381	60730186182000	56	23622.95146	0.002370576
60730196011002	397	14996.26978	0.02647325	60730083501020	1614	23628.28223	0.06830797
60730173053000	4	15003.85202	0.000266598	60730186093012	10	23635.48343	0.000423093
60730170541008	5	15006.42263	0.000333191	60730186192003	263	23643.58199	0.011123526
60730176012009	39	15007.9287	0.002598626	60730185212015	4	23646.63896	0.000169157
60730170181004	7	15008.9744	0.000466388	60730191093030	23	23648.05027	0.000972596
60730083281003	1	15010.93147	6.66181E-05	60730208013004	14	23654.82106	0.000591846
60730174061004	1	15012.11225	6.66129E-05	60730186201006	3	23655.46886	0.000126821
60730174051010	10	15022.21906	0.000665681	60730186211008	1	23656.23378	4.22722E-05
60730174053007	1	15025.08187	6.65554E-05	60730208052042	9	23656.62681	0.000380443
60730176012013	4	15025.59984	0.000266212	60730182012005	5	23662.48653	0.000211305
60730083672004	207	15025.99311	0.013776128	60730186172005	5	23669.18404	0.000211245
60730201103047	2	15026.14064	0.000133101	60730208051013	2	23679.89199	8.44598E-05
60730192101011	14	15026.58056	0.000931682	60730186093016	1	23682.96573	4.22244E-05
60730221012001	2026	15035.80741	0.134745009	60730185092000	20	23689.26975	0.000844264
60730176032002	357	15036.71451	0.023741889	60730208052012	1	23691.17746	4.22098E-05
60730215021014	16	15037.52298	0.001064005	60730186093011	1	23691.36405	4.22095E-05
60730083684003	1	15038.57495	6.64957E-05	60730185101006	1	23696.83537	4.21997E-05
60730083281002	1	15039.48598	6.64916E-05	60730186201002	2	23706.63177	8.43646E-05
60730198091013	3	15040.91545	0.000199456	60730094001025	69	23711.27561	0.002910008
60730170363011	2	15043.33557	0.000132949	60730083501022	1728	23716.21737	0.072861535
60730175021004	959	15049.29487	0.063723916	60730083501023	828	23716.6348	0.034912204
60730170612014	7	15055.22179	0.000464955	60730185091007	343	23717.13893	0.014462115
60730195031008	8	15056.29002	0.000531339	60730186201003	1	23725.14228	4.21494E-05
60730175023005	3	15056.73946	0.000199246	60730208061002	3	23733.71064	0.000126402
60730215022007	2	15063.49958	0.000132771	60730208052057	6	23743.27396	0.000252703
60730196012004	317	15065.93956	0.021040838	60730208052043	12	23747.52821	0.000505316
60730083372000	9	15071.43197	0.000597156	60730208052062	7	23751.98878	0.000294712
60730173051014	2	15073.01089	0.000132687	60730186172004	3	23752.56898	0.000126302
60730083671001	1	15073.56617	6.63413E-05	60730186093010	5	23757.00488	0.000210464
60730083672000	52	15077.96132	0.003448742	60730083462025	473	23757.24153	0.019909719
60730221023005	148	15091.84467	0.009806621	60730083462028	8	23760.59933	0.000336692
60730173051008	1	15093.16941	6.62551E-05	60730186222000	13	23768.89084	0.000546933
60730174063002	4	15095.22854	0.000264984	60730208052010	3	23773.39029	0.000126192
60730173051012	26	15096.8511	0.001722213	60730181023000	75	23775.56113	0.0031545

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730173051020	3	15100.99967	0.000198662	60730186223000	10	23778.08267	0.000420555
60730170181000	498	15104.27271	0.032970803	60730182011020	43	23779.27505	0.001808297
60730171061023	15	15105.60774	0.000993009	60730185212014	2	23781.10137	8.41004E-05
60730170501008	6	15106.51182	0.00039718	60730208061010	7	23781.75762	0.000294343
60730215021034	6	15111.17863	0.000397057	60730185101007	103	23786.53317	0.004330181
60730170551007	15	15111.75924	0.000992604	60730186161018	83	23787.89166	0.00348917
60730192092012	37	15113.30596	0.002448174	60730083391006	7	23789.50247	0.000294247
60730195032008	7	15115.64935	0.000463096	60730186172007	10	23790.84663	0.00042033
60730170401001	162	15116.42708	0.010716818	60730183021010	2	23798.78985	8.40379E-05
60730221023001	1125	15129.13325	0.074359845	60730186161030	134	23801.36328	0.00562993
60730083671000	18	15131.67961	0.001189557	60730182011021	39	23802.12872	0.001638509
60730195031011	2	15131.70316	0.000132173	60730186093003	2	23807.26154	8.4008E-05
60730083671008	1	15133.98764	6.60764E-05	60730094001018	36	23808.57727	0.00151206
60730174051003	1	15141.02541	6.60457E-05	60730182011019	4	23815.07362	0.000167961
60730083671002	2	15142.22666	0.000132081	60730186093000	2	23816.37066	8.39759E-05
60730170331005	5	15142.31299	0.000330201	60730083462027	946	23816.65344	0.039720106
60730198111018	7	15147.80589	0.000462113	60730083391031	1109	23819.7653	0.046557973
60730175023006	55	15148.93898	0.003630617	60730208061003	63	23822.25831	0.002644586
60730083671011	1	15149.59796	6.60084E-05	60730186222004	1	23825.29245	4.19722E-05
60730198091011	27	15152.5572	0.001781877	60730083501026	1445	23826.40289	0.060647006
60730173051010	2	15155.23509	0.000131968	60730182012000	6	23834.15515	0.00025174
60730083671012	1	15157.56404	6.59737E-05	60730188041014	322	23836.52994	0.013508678
60730176032008	2	15159.40432	0.000131931	60730186201004	4	23837.78632	0.000167801
60730083281006	2	15160.02893	0.000131926	60730208052044	9	23839.26836	0.000377528
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60730215021035	1	15166.75952	6.59337E-05	60730208052050	9	23842.86189	0.000377471
60730170363001	7	15167.05829	0.000461527	60730182011035	18	23847.91328	0.000754783
60730178082000	33	15170.15542	0.002175324	60730186201001	4	23848.14502	0.000167728
60730174051001	5	15172.93043	0.000329534	60730182011023	1	23849.04835	4.19304E-05
60730207112005	4	15184.05279	0.000263434	60730083391007	734	23851.5971	0.030773621
60730215022016	1	15188.02648	6.58413E-05	60730182011022	19	23852.12614	0.000796575
60730083671003	1	15195.99126	6.58068E-05	60730191103017	8	23853.71542	0.000335378
60730083372005	8	15198.13355	0.00052638	60730188031017	112	23854.88121	0.004695056
60730174061006	135	15199.3259	0.008881973	60730186091009	3	23858.51813	0.000125741
60730174051007	31	15204.60023	0.002038857	60730182011001	2	23864.71632	8.38057E-05
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60730083371000	79	15210.7901	0.005193682	60730182011024	24	23881.09986	0.001004979
60730170363008	17	15211.06508	0.001117607	60730208061011	1	23883.19682	4.18704E-05
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60730173051028	2	15222.60133	0.000131384	60730186093002	2	23897.79351	8.36897E-05
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60730170331007	3	15237.34778	0.000196885	60730182011033	9	23907.54782	0.00037645
60730178081007	1	15238.69526	6.56224E-05	60730186093009	2	23908.98558	8.36506E-05
60730191052006	12	15242.9116	0.000787251	60730083462026	6	23915.30282	0.000250885
60730195032004	11	15244.99206	0.000721548	60730185093003	3	23916.14423	0.000125438
60730192091019	12	15261.42057	0.000786296	60730186222010	2	23922.87516	8.3602E-05
60730174061007	1	15263.4544	6.5516E-05	60730208071039	18	23923.99354	0.000752383
60730215022017	12	15264.48462	0.000786139	60730186211009	5	23933.12199	0.000208915
60730170562004	164	15269.22623	0.010740557	60730208052051	19	23933.97783	0.00079385

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Distance)
60730195032009	71	15269.26806	0.004649863	60730208052045	56	23934.06806	0.002339761
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60730178082003	1	15273.89128	6.54712E-05	60730094001045	32	23940.28245	0.001336659
60730196011003	2	15276.66053	0.000130919	60730182011030	2	23947.52649	8.35159E-05
60730170391000	2	15280.86991	0.000130883	60730186171003	29	23957.0685	0.001210499
60730197011020	12	15281.69139	0.000785253	60730188041015	38	23958.16712	0.001586098
60730174063003	6	15285.6835	0.000392524	60730186093001	6	23969.29756	0.00025032
60730173051017	1	15286.19819	6.54185E-05	60730186161031	37	23970.35253	0.001543573
60730175022003	14	15286.4682	0.000915843	60730182011000	18	23972.40838	0.000750863
60730083371006	1	15286.96081	6.54152E-05	60730186193007	13	23976.2568	0.000542203
60730170211005	33	15303.29555	0.002156398	60730185092002	2	23981.2171	8.33986E-05
60730083281008	1	15303.88213	6.53429E-05	60730186221003	6	23984.30978	0.000250164
60730083684005	2	15309.95679	0.000130634	60730186133004	5	23986.37611	0.000208452
60730083282006	1	15310.08192	6.53164E-05	60730182011003	2	23996.53382	8.33454E-05
60730083281013	2	15312.99958	0.000130608	60730185212013	215	23997.2213	0.008959371
60730215022004	1	15319.63968	6.52757E-05	60730188034015	8	24004.29703	0.000333274
60730173051016	1	15321.86775	6.52662E-05	60730186193001	3	24008.51137	0.000124956
60730195031009	80	15321.999	0.005221251	60730186161024	166	24009.56266	0.006913912
60730174051006	49	15325.91578	0.003197199	60730186091005	7	24014.29843	0.000291493
60730083281015	1	15329.46817	6.52338E-05	60730186171011	5	24015.20626	0.000208201
60730170362003	1	15331.31436	6.52226E-05	60730182011025	75	24019.14802	0.003122509
60730176011016	14	15332.83823	0.000913073	60730186161029	35	24020.9994	0.001457058
60730197011019	43	15333.03125	0.002804403	60730186132003	16	24022.72056	0.000666036
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60730083282023	3	15338.67017	0.000195584	60730208052052	14	24027.70434	0.000582661
60730178081004	3	15342.72315	0.000195532	60730186132000	2	24029.99864	8.32293E-05
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60730176031001	11	15351.73752	0.000716531	60730182011032	25	24062.92841	0.001038943
60730192101008	14	15362.69474	0.000911298	60730208061009	28	24073.11643	0.001163123
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60730083281014	5	15366.11791	0.000325391	60730083501027	41	24083.16005	0.001702434
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60730173051018	2	15367.38347	0.000130146	60730186171004	3	24094.28819	0.000124511
60730176031000	202	15367.58838	0.013144548	60730208051011	11	24098.04351	0.000456469
60730170401002	4	15371.00137	0.00026023	60730186132001	17	24100.92562	0.000705367
60730083281016	27	15372.02431	0.001756438	60730186132008	153	24110.52965	0.006345775
60730174063001	39	15378.7588	0.002535965	60730186191014	11	24115.39485	0.00045614
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60730195032000	91	15383.37241	0.005915478	60730208052053	3	24123.49682	0.00012436
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60730083371002	10	15387.57545	0.000649875	60730186091000	67	24127.75025	0.002776886
60730170203018	1	15388.12103	6.49852E-05	60730186131001	58	24132.055	0.002403442
60730191052010	4	15391.09757	0.00025989	60730186091012	11	24135.02636	0.000455769
60730174071000	233	15391.46167	0.015138263	60730185093001	5	24138.28691	0.00020714

EXHIBIT 4



2024 Board Members

Scott Sutherland, Chair
JP Theberge, Vice-Chair
Jon Dummer, Treasurer
Debbie O'Neill, Secretary
Kristin Andelman-Simon
Eric Anderson
Jacqueline Arsivaud-Benjamin
Chondra Brown
Douglas Dill

July 19, 2024

Rancho Santa Fe Fire Protection District
Board of Directors
18027 Calle Ambiente, Ste. 101
Rancho Santa Fe, CA 92091

RE: Harmony Grove Village South DEIR Recirculation; PDS2015-GPA-15-002, PDS2015-SP-15-002, PDS2015-REZ-15-003, PDS2018-TM-5626, PDS2015-MUP-15-008, PDS2015-ER-15-08-006

Esteemed Members of the Board of Directors:

The following white paper documents the history, issues and concerns relating to Harmony Grove Village South and the upcoming recirculation of the project's EIR subsequent to litigation that the Town Council and co-plaintiffs put forth to ensure a safer project. The litigation was successful but the developer has refused to work with the community to make the project safer.

Our goal for this letter is as follows:

- Educate the Board on the importance of this issue to the communities of Elfin Forest, Harmony Grove and Harmony Grove Village, a united community of approximately 1,500 homes and 4,050 residents..
- To drive home how much we value our relationship with the RSFFPD and how crucial this relationship is to the success of the District and the community.
- To request an opportunity to meet with the Board to collaborate further on this issue as well as others; to place HGVS discussion on the agenda.
- To respectfully ask the District (and by extension, the County) to take another look at the fire safety issues that are involved in the project given new information that has surfaced.
- To appeal any decision by RSFFPD or its staff that indicates full support of the project until such time as further due diligence is done.

We thank you for your time and consideration and look forward to a continued partnership and strong relationship with the District in the years to come.

Elfin Forest / Harmony Grove Town Council, 20223 Elfin Forest Road, Elfin Forest, CA 92029



- JP	Theberge,	Vice	Chair
Scott	Sutherland,		Chair
Elfin Forest/Harmony Grove Town Council			

Intro

To understand the community's position on Harmony Grove Village South and on development in its most sensitive and fire-prone areas we need to understand the nature and history of the area, the development of the County's General Plan, the Elfin Forest Harmony Grove Community Plan and the litigation history of this project.

A 120 year old community with wildfire protection in its DNA.

The unincorporated communities of Elfin Forest, Harmony Grove and Eden Valley (within the San Dieguito Planning Area) with a population of approximately 4,050 residents, have a storied history that goes back 128 years when the earliest non-indigenous settlers of Harmony Grove, the Harmony Grove Spiritualist Association, established a religious community and what was recently the oldest church in San Diego County (until it burned down in Cocos Fire in 2014). The HGSA is still in operation today. Homesteaders settled the Elfin Forest area around the turn of the century and in the 1950s the Elfin Forest Vacation Ranch (and lake) was established by damming Escondido Creek and creating a one hundred acre lake. That lake has since washed away, but remnants of the camp remain. Eden Valley around the turn of the century was an agricultural region known for its wine grape cultivation, among other crops. It has since morphed into a ranch and horse keeping community.

From the very beginning, residents fought wildfires which have been a once or twice a decade occurrence amid the tinder-dry, steep chaparral-covered canyons that surround the community. Today, with over 3,000 acres of preserved open space, the flammable environment remains prone to wildfire for the foreseeable future. In addition, the hilly topography limits primary access roads to windy, two-lane rural collectors which are still largely the same as they were decades ago, despite the exponential residential density growth in the area over the last ten years.

Ad hoc fire fighting teams were created by neighbors over the years to ensure the safety of the community and to fight the common threat of wildfire. It wasn't until 1972 that the



volunteer-run Elfin Forest Harmony Grove Fire Department (EFHGFD) was created to take a more professional approach to addressing the significant fire risk of living in this community. The Town Council was created in 1980 and both groups would soon represent residents in both Harmony Grove and Elfin Forest in advocating for fire safety and protection.

The community values a strong relationship with the fire district.

- *Goodwill and collaboration:* The community has always been very engaged with its fire protection. The EFHGFD was a focal point for our community. It was manned, first by residents, and then through the addition of volunteers from the academy who received top notch training through their service in Elfin Forest. In fact, Rancho Santa Fe Fire's own fire chief, Dave McQuead, gained some of his invaluable training as a volunteer for the district.
- *RSF Fire Foundation:* Elfin Forest and Harmony Grove residents founded the Elfin Forest Harmony Grove Fire Foundation as a way to provide financial resources and support in the areas of fire service and community building. Now, it serves the same purpose for the Rancho Santa Fe Fire District. Recent grants have included video equipment and funding for tactical wildland boots for every career and volunteer firefighter in the district.
- *Funding and benefit fee:* The district was funded by the generosity of community members and through an unprecedented, self-imposed fire benefit fee (the largest, by far, in the County). Despite not being a volunteer fire district any more, that benefit fee is still active and applies to many more homes than originally planned. It is a testament to the importance that this community gives to its fire protection.
 - Older community members, who were involved in the initial vote for a fire benefit fee, understand and appreciate the fact that the fee was meant to bolster our fire service.
 - Newer community members often experience sticker shock on the fire fee when the tax bill becomes due. As a Town Council we are constantly educating newer



residents that that fee is what enabled our community to survive and to have top notch service.

- The benefit fee continues to exist due to the strong relationship the District has with our community and the Town Council's efforts to assuage new residents' concerns.

Cocos Fire, 2014, a lesson in evacuation deficiencies:

The most recent wildfire, in May of 2014, was started by a twelve year old in San Marcos who was playing with fire. It was the largest of the 16 wildfires that began that fateful day with a county-wide red flag warning. It ravaged the communities of Harmony Grove and Eden Valley where 30 or more homes were lost and thousands of acres burned. It laid bare a serious weakness that our community would face in future fires: seriously deficient evacuation infrastructure. The roads to safety are narrow and have a low carrying capacity. The community is blocked in on both ends by urban/suburban development that creates a choke point when neighbors attempt to escape the valley. During the Cocos fire, Elfin Foresters evacuating to the west were turned back by barricades at San Elijo Hills. San Elijo Road (and Twin Oaks Valley Road) were gridlocked as the fire and smoke were visible at the top of Double Peak. YouTube videos were posted of San Elijo residents sitting in their cars packed with kids and pets, panicking on the phone with 911 operators asking for help. The Union Tribune covered the issue as well¹. At the last minute, the fire changed direction, luckily for those several thousand vehicles at a standstill just downwind from the fire's origin.

¹ San Diego Union Tribune, April 24, 2019, *Cocos fire traffic jams to be reviewed* ([link](#))



Evacuation standstill, San Elijo Road and Elfin Forest Road, Cocos Fire 2014

Elfin Forest residents in horse trailers, pickups and family vehicles were forced to turn back eastward or attempted to access dirt roads that led towards Olivenhain and Rancho Santa Fe to evacuate. Meanwhile, on the other end of the valley, in Harmony Grove and Eden Valley, residents had their own traffic situation. Country Club Road, which was the main, viable exit at the time, was backed up with horse trailers and other vehicles loaded with people, livestock and pets. Country Club exits onto Auto Park Way which is limited by busy intersections and a regular light rail crossing (the Sprinter) so it creates a bottleneck even in the best of situations. When the fire changed course and blew east, it blocked that evacuation route as well, causing evacuees to have to drive into Escondido to leave.



View from project site during Cocos Fire, 2014

At the time, there were about 750 or so rural properties in the entire valley and over 2000 residents, so conservatively, approximately 1,500 passenger vehicles if you take into account Elfin Foresters coming from the west. In addition, there were hundreds of horses (particularly in Harmony Grove and Eden Valley) that needed to be evacuated in trailers.

Fortunately, the site of the future Harmony Grove Village community had been freshly graded in the months before the fire so there was only earth exposed, but no houses. Had the fire happened a few short years later, there would have been 742 more homes and over 2000 more residents in harm's way as the Harmony Grove Village footprint was enveloped by the Cocos fire. And the evacuation routes that were over burdened as it was with the existing



population would have been further clogged with approximately 1500 more vehicles evacuating. Adding the prospective HGV South (452 homes, 1300+ residents and approximately 1,000 vehicles evacuating), plus the potential additional density entitled by right in other parts of the valley, and the evacuation routes would be impacted by thousands more vehicles and horse trailers all entering the evacuation route within the same half mile radius. Clearly, these conditions will be untenable during the next fire storm.

A very engaged community proactively worked with the County to help reach regional goals and promote wildfire safety

In 2011, the County adopted its General Plan for growth. It was a plan that included, as one of its policies, an attempt to limit expanding the wildland urban interface (WUI) to avoid placing more homes in wildfire harm's way. It also required that communities throughout the unincorporated county include capacity in their zoning to add more housing. The communities of Elfin Forest, Harmony Grove and Eden Valley (San Dieguito Planning Area) were tasked with accepting roughly a doubling in housing density across the entire valley (about 750 additional units). As part of that process, the county worked very closely with the community to develop a plan that would a) allow for more housing, b) protect existing residents from additional fire risk and c) allow the community to remain a rural-residential community with horsekeeping and other agricultural or rural features.

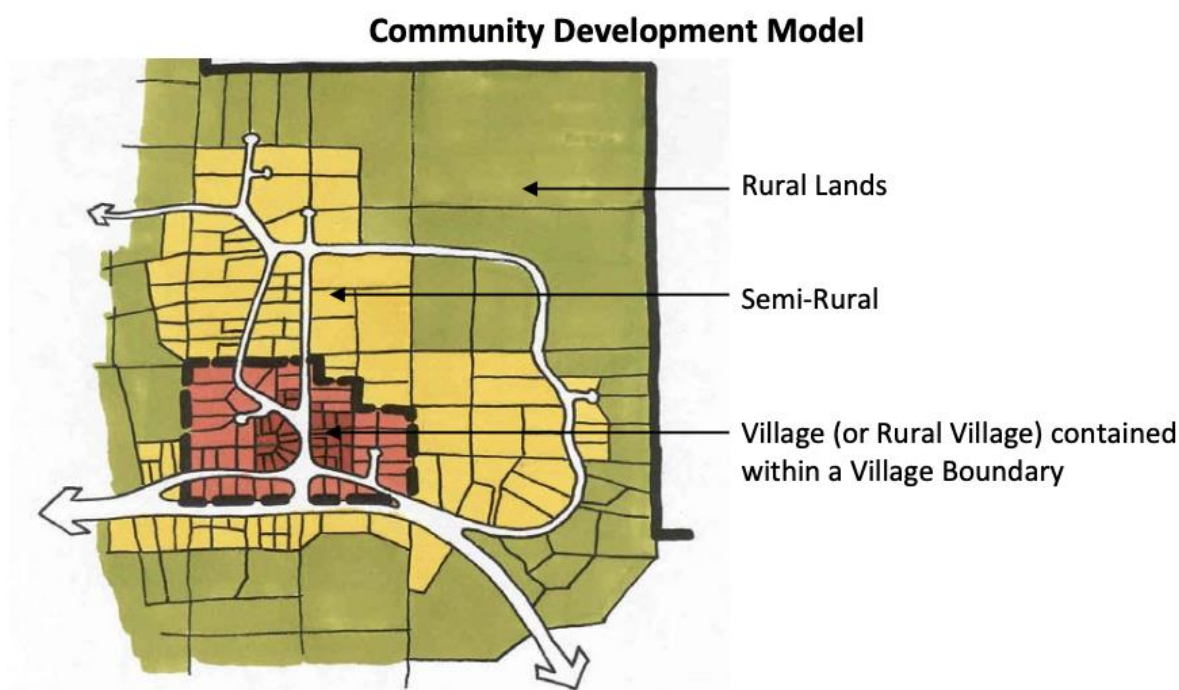
The County planning department held dozens of workshops including "visioning" workshops where they offered the community a chance to weigh in on *how* that density would be implemented and where.

Concentrated in a village or spread across the valley?

As part of those workshops, the community was asked whether they preferred allocating the housing across the entire community by simply increasing parcel density (in essence allowing all existing parcels to be subdivided by their owners if they choose to). This would have the effect of gradually increasing density over time as property owners chose to extract the additional profit from their properties by subdividing and improving their parcels. The second option that the county proffered was to create a rural "village" within the rural area which is known as the "Community Development Model" (see figure below). This would consist of a village that would have a dense "town center" which would feather out to larger and larger



parcels in a concentric pattern such that the homes on the periphery would be large lots similar to the rural lots that the community was already known for. This created a buffer between rural lots and the denser village core with the goal of helping preserve the rural nature of the existing community.



The community chose the compromise option, subsequently forsaking their own profit potential by limiting the ability to subdivide – all to maintain a rural environment and provide for public safety.

Through the various workshops, the community agreed that a rural village would be in keeping with the community character, would concentrate the growth in a village near evacuation routes and would preserve the rural nature of the community for the foreseeable future. The key to this decision was that the County promised that the zoning in the rest of the valley would remain rural. The General Plan zoning for that area was evidence of this commitment. The many community members who were active in this process understood the implications



of this compromise: they would not be able subdivide their parcels and obtain additional value and profit from their properties. While they purposely limited their own profit potential, they did this with the goal of preserving the unique and rural nature of the valley that goes back almost 130 years. This promise was reiterated by Supervisor Diane Jacob at the Board Hearing when she thanked the community for doing their civic duty: "the rest of the valley will remain rural."

North of Harmony Grove Road, south or both?

As part of the visioning workshops, the general design of the "village" was contemplated and, again, the community was presented with numerous maps and asked to weigh in on where that village would be located. The county offered multiple options. One was for the village to be more concentrated, located north of Harmony Grove Road and another was to have it extend south of Harmony Grove Road. The community opted for a model that was north of Harmony Grove Road (and north of the Escondido Creek). This made for a cleaner dividing line between village and rural area and ensured that the existing residents living on a dead end road south of Harmony Grove Road would not be impacted by new residents trying to evacuate.

The village model becomes Harmony Grove Village, with community support.

Shortly after the County adopted its general plan and with it, the Elfin Forest / Harmony Grove Community Plan, a developer, New Urban West, filed an application to build the village that the community and the county anticipated. The Town Council and the community worked closely with that developer in a collaborative process. The project would consist of 752 homes and was going to be a "rural meets urban" concept. With input from residents, the project included design ideas that helped reinforce the rural nature of the community: an equestrian ranch was included in the design, horse trails were mapped throughout the community, an equestrian park and arena and even the name of Fourth of July Park became a homage to the community's annual Fourth of July Parade and Picnic (50 years running).

When New Urban West presented its project to the Board of Supervisors, the Town Council (and community members) actually testified *in favor of the project*. Again, the community placed a great deal of faith in the county process and the tacit agreement that this project would be the community's way of contributing to the housing growth in the County. This was



touted as an example of how communities and the County could collaborate to meet state requirements in a “win-win” scenario.

HG Village is approved without full funding of its fire station.

While the board dutifully approved the project (and the community consented to it), one issue remained. The fire station that would be built to serve the development was not fully funded for ongoing operations. This created a shortfall of around \$2 million *per year*. This shortfall was documented in the LAFCO application during the proposed fire merger between EFHG Fire District (CSA 107) and RSF Fire Protection District.²

County Fire Authority seeks to take over the EFHG Volunteer Fire Department – community lobbies instead to merge with Rancho Santa Fe Fire Protection District

At around this time, the County was seeking to convert volunteer districts into professionally-managed districts under the umbrella of the County Fire Authority. Because the community felt that RSFFPD would better represent the community’s needs and maintain the level of service they had worked so hard for, the community lobbied for many months, raising money, meeting with staff, hiring lobbyists and going door-to-door to get petitions signed. The community was ultimately successful in convincing the County (and LAFCO) to allow the merger. Naturally, the shortfall from the HGV Fire Station came up as an important issue as well as the fire benefit fee that the community had previously voted for itself. In September of 2018, the RSF Fire Protection District Board of Directors meeting minutes³ note that the County transferred a one-time lump sum of \$2.5 million amortized over 8 years during the merger (approximately \$318,500 per year). This doesn’t appear to entirely eliminate the shortfall of \$2 million per year, though it is possible that during the negotiations that shortfall was somehow eliminated. The RSFFPD Board Director Stine did suggest in February of 2019 that an FAQ could be helpful in resolving community doubts and misconceptions about the merger.⁴ *We haven’t seen that yet, but would welcome it.*

² San Diego LAFCO Preliminary Report, November 10, 2014 ([link](#))

³ Rancho Santa Fe Fire Protection District Board of Directors Meeting Agenda, 09/26/2018

⁴ Rancho Santa Fe Fire Protection District Board of Directors Meeting Agenda, February 20, 2019 ([link](#))



After HGV was built, investors were keen to tap into the remaining (lower cost) rural lands that were zoned for low density with the hopes of convincing the Board of Supervisors to approve a windfall increase in density via a general plan amendment process.

Several years after the General Plan was adopted and Harmony Grove Village had been approved, land speculators purchased parcels in Harmony Grove and Eden Valley, with low appraisals due to their low development value. They began a process to request an upzone of their land via a general plan amendment process. The upzone would yield an instant, politically-driven, windfall in profits as it would increase the development potential of the land (while violating the plan that the community and the county worked so hard on).

The community felt betrayed by the county as they had done their part to collaborate with the county and made sacrifices to preserve the rural nature of the valley. Now, developers would attempt to take advantage of a political process and circumvent the tacit agreement that the community had with the County which was intended, primarily, to allow for needed housing while ensuring that the community would still have the ability to evacuate during a wildfire event.

Harmony Grove Village South is proposed, promising to fix shortfalls.

Colorado yogurt billionaire and speculator in “distressed lands,” Marcel Arsenault, along with developer David Kovach, purchased the land south of Harmony Grove Road and applied for a general plan amendment to build a development they would call Harmony Grove Village South in order to make it seem like it was part of the previous project (which it is not). The project is in a box canyon located on a dead end road surrounded on all sides by old growth chaparral, open space and thousands of acres of conserved lands. State law (Dead End Road Standard) requires a secondary egress whenever a dead end road extends beyond 800 feet due to the possibility of the main egress being blocked for evacuation and apparatus⁵, but they would obtain a waiver to this requirement. In addition to the new development, there were approximately 70 homes on rural lots further south, all served by the same single egress. During the Cocos Fire, 30 of those homes burned down. The entire footprint of the project is

⁵ Code of California Regulations, Title 14, Section 1273.09 Dead-End Roads ([link](#))



considered a "Very High Fire Severity Zone" and has been in the vicinity of numerous large wildfires over the years which have included loss of life as well as hundreds of structures lost or damaged.

When the developer approached the community during various stakeholder meetings he made it a point to let community members know that the county was specifically "asking for more rooftops" to help pay for the shortfall on the firehouse at HGV. This was brought up with several different stakeholder groups. And in the early iterations of the Environmental Impact Report (EIR) there were references to the shortfall in the Fire Protection Plan and how this project would help resolve that. The many references to a shortfall, which is not fully understood by the community, also gives the impression that the county and fire authorities support unsafe projects in order to balance their budget. Additionally, during a CSA-17 advisory special meeting, Chief Michel of the RSF Fire Protection District was reported to have said that he was glad to hear HGV South had been approved to make the merger more "cost neutral."⁶ Later on in the conversation, Andy Parr (County Emergency Response) noted that the project had not been yet approved, but this did not inspire confidence in the district's impartiality on the project.

The siting of the new project would be in an extremely fire-prone part of the valley, the site of numerous wildfires. County and RSFFPD subsequently granted a fire code waiver regardless.

The new project was proposed to be located in a bowl valley surrounded on all sides by highly flammable chaparral habitat or grasslands. CalFire has designated this location as being in a "Very High Fire Severity Zone" which means it has a very high probability of suffering from serious wildfire losses. To the south and west is over a thousand acres of permanently protected open space that have burned dozens of times in the past few decades. The footprint of the project itself has been the subject of numerous wildfires that have caused significant losses including, most recently, the Cocos Fire in 2014, where 30 or more homes were lost immediately adjacent to the project. The Del Dios and Harmony Grove fires both destroyed

⁶ CSA-17 Advisory Committee Special Meeting, November 17, 2016 ([link](#))



houses in that immediate vicinity. Most importantly, however, this flammable bowl valley has only one road out with a low fire exposure rating.⁷

County's initial study on the project: dead-end road length standard must be met, otherwise secondary access required.

On August 21, 2015, the County presented its [initial study](#) on the project which laid out areas of "potential significant impacts" when it came to fire safety. Of most concern was that it exceeded the maximum dead end road standard of 800 feet, which would require a secondary access or otherwise obtain a "modification" to the San Diego County consolidated Fire Code. A modification is basically a variance or permission granted to not follow the fire code:



*Will it result in inadequate emergency access? **Potentially Significant Impact.** [County of San Diego CEQA Initial Study](#) - p.44⁸*

- *The San Diego County Fire Authority must approve the proposed project and associated emergency access roadways to determine that access to the project does not exceed the maximum cumulative dead-end road length specified in the San Diego County Consolidated Fire Code.*

⁷ Wildland Fire Evacuation Plan for the Harmony Grove Village South Community, May 2018, pages 2-3 ([link](#))

⁸ Harmony Grove Village South CEQA Initial Study - Environmental Checklist Form ([link](#))



Developer and County look for alternatives to secondary egress requirement

When the developer realized that the project exceeded the 800 foot [dead-end road length](#) (DERL) standard⁹, they knew that they would need to provide an alternative which met the intent of the standard. The "intent" of the dead end road standards is "to provide for safe egress and ingress of occupants and fire personnel/equipment during a wildfire."⁶

Exceptions are permitted if it can be proven that "the same overall practical effect as the regulations" can be achieved by meeting the regulatory intent of assuring safe egress and ingress of occupants and fire personnel/equipment.

This dead end road length was close to a mile long and to meet the intent of the code it would have to provide for safe egress and ingress of occupants which means providing a secondary access in the event that one egress is blocked – and an ability to safely evacuate the community all the way to safety. The reasoning behind this standard is that one egress route can often become impacted by fire so a secondary egress is required.

CalFire/CalPoly study circulated by county staff on dead-end road length standards, seriously weakened the rationale used by developer and county to obtain a waiver to fire code; subsequently ignored.

A study commissioned by CalFire was conducted by CalPoly San Luis Obispo¹⁰ on dead end road length standards. It was circulated by the County Fire Marshal, Chief Pine, and presumably read by staff. The study makes reference to the Section under California's Subdivision Map Act (PRC4290) and the "Intent of the Dead End Road standards":

The intent underlying the regulatory standards is to "...provide for access for emergency wildland fire equipment and civilian evacuation concurrently, and...

⁹ Code of California Regulations, Title 14, Section 1273.09 Dead-End Roads ([link](#))

¹⁰ California Polytechnic State University, San Luis Obispo, June 2016, *Single-Access Subdivisions Assessment Project: Developing a Planning Tool for Evaluating Proposed Developments Accessible by Dead-End Roads Prepared for CAL FIRE and the California Board of Forestry and Fire Protection* ([link](#))



provide unobstructed traffic circulation during a wildfire emergency.”¹¹ Exceptions to the standards are permitted when it can be demonstrated that “the same overall practical effect as the regulations”¹² can be achieved, that is, if alternative practices effectively meet the regulatory intent of assuring safe egress and ingress of occupants and fire personnel/equipment.

The County and developer consultants claimed they met the “intent” of the standard by implementing various mitigations: (a) adding additional off-street parking, (b) increasing fuel modifications zones (FMZ) (c) ignition-resistant construction within the FMZ (d) a community building club house and (e) shelter-in-place “philosophy” but “not status” among others. None of these provide for anything relating to safe egress or ingress, especially in the event of fire blocking evacuation routes. Most were simple adjustments to existing requirements.

The last mitigation method, (f) the addition of a third travel lane on the sole egress, Country Club Road (which funnels back to two lanes after it reaches Harmony Grove Road), according to the CalPoly study, does not meet the standard either. The study makes conclusions that:

“Simply adding an additional lane to the primary single access road for evacuation does not appear to improve evacuation times. Adding a true second access that is independent of the first (meaning the two exits are neither close together nor access the same through road) offers a significant reduction in clearance time. In developments with high intensities of land use, however, clearance time can remain high. Under these conditions, multiple entrances (not just one or two) could offer the highest potential for timely evacuation.”

and even secondary egress is sometimes not enough:

Simply providing two entrances for a development of uncontrolled size may not be sufficient to ensure safe evacuation of occupants in the event of an emergency.

The study also recommends applying an evacuation modeling tool which does not appear to have been done by the County, despite requests by the community to model community wide evacuation:

¹¹ Code of California Regulations, Title 14, Section 1273.00 Intent ([link](#))

¹² Code of California Regulations, Title 14, Section 1273.00 Intent ([link](#))



We recommend that any proposal for a single-access subdivision in an SRA (or in a Local Responsibility Area [LRA] if the local jurisdiction has adopted the state's recommendation of a Very High Fire Hazard Severity Zone [FHSZ]) should trigger analysis by means of the tool developed in this study. Even when secondary access is available, we recommend requiring analysis by means of the tool in any SRA that is categorized as a High or Very High FHSZ. We recommend this because, depending on the size of the subdivision, secondary access does not necessarily guarantee adequate exiting capacity. Exiting capacity is relevant for all wildland-urban interface subdivisions, not just single-access subdivisions.

The Cal Poly study seems to contradict the mitigation alternatives provided by the developer and yet, the fire chief approved the variance to fire code (modification).

In addition, a public comment sent in by a resident of Harmony Grove makes extensive reference to the CalPoly study, and specifically the fact that adding a second lane to the only entrance to the project, does not improve evacuation flow. The commenter, Debra O'Neill, attached a full copy of the study. Despite having received the study from two separate, independent sources, the County subsequently ignored it.

Developer looks to get around the dead-end road standard; waiver is granted for secondary egress requirement.

The developer studied eight different secondary access possibilities (listed in their Fire Protection Plan). None of the eight options were feasible due to terrain, open-space and easement issues. The County was aware of this problem and appears to have done some research on the DERL standard. County Fire Marshall James Pine circulated the aforementioned report by CalPoly. He sent [it to Michael Huff](#), the developer's fire consultant (employed by Dudek), having himself received it from a contact at the International Association of Firefighters a few days earlier.



From: [Pine, James](#)
To: [Michael Huff](#)
Subject: FW: Dead End Road Study
Date: Wednesday, March 2, 2016 10:37:53 AM
Attachments: [image001.jpg](#)

Mike,

Below are the links to the DERL study performed by **Cal Poly**.

Best regards,

JAMES PINE | Deputy Fire Marshal
San Diego County Fire Authority

5510 Overland Ave., Suite 250

San Diego, CA 92123

Ph.: (858) 495-5434

Picture1



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Later, developer fire consultant Michael Huff, came up with a plan to convince County Fire to waive (or modify) the code to allow for a nearly mile long dead end road without requiring a secondary access. He pitched this to the Fire Marshall Pine in 2014. Link to memo from Dudek proposing mitigation measures in 2014 [here](#). The measures were mostly performative and duplicative of existing requirements for other unrelated fire code requirements. This included widening of a short 1,400 foot segment of Country Club Road to three lanes (item 1) exiting the proposed development but which shortly thereafter narrows back to a two lane road after reaching Harmony Grove Road. They offer a cars-per-hour capacity of that short piece of road (1900 cars per hour) but fail to note that once the vehicles cross the bridge, they are faced with a two lane country road which can only accommodate 500 cars per hour. Vehicle throughput needs to be measured throughout the entire evacuation route, not just a few hundred feet.



You can read the report by the Town Council's independently hired fire consultant [here](#) where he notes that the lack of secondary egress and limited evacuation infrastructure will create a situation where "catastrophic losses are not only likely, but probable."¹³

“catastrophic losses are not only likely, but probable.”

Chief Fred Cox raised concerns with County regarding evacuation routes, secondary egress, apparently ignored

Fred Cox, the soon-to-be Chief of Rancho Santa Fe Fire District, looked at the Fire Protection Plan in 2018, prior to the Planning Commission hearing, and raised questions about evacuation. He also noted that one potential emergency egress road being proposed (towards Johnston Road) in the Fire Protection Plan was not usable unless improved. There doesn't appear to be any response in the record to his suggestions. Interestingly, these were the same concerns raised by the community and their fire consultant, but dismissed.

¹³ Rahn Conservation Consulting, Re: Harmony Grove Village South – Draft EIR, Wildfire Risk Analysis and Mitigation Measures, ([link](#))



From: Fred W. Cox
Sent: Tuesday, April 10, 2018 11:11 AM
To: Tony Michel
Subject: HGVS - evac comments

Tony,

It's hard to tell from the small map provided, but here would be my comments:

1. With only one way out, even though it is three lanes, when a fire bumps this roadway, the road will be unusable. Vegetation management zones along this roadway should be increased – possibly up to 50' on each side.
2. While they give traffic flow studies – its only out of development to Harmony Grove Rd. They list (4) primary ingress/egress points – what is the capacity of those roadways and would they handle the evacuation needs of that area.
3. Potential emergency access (Johnson), needs to be removed from the plan unless it is an improved roadway. It would be a good option if its improved.
4. The fire mitigation zones, especially on the south, south west, should be increased.

The rest of plan looks OK.

Fred

Developer claims that an unimproved trail could serve as an emergency egress under emergency circumstances

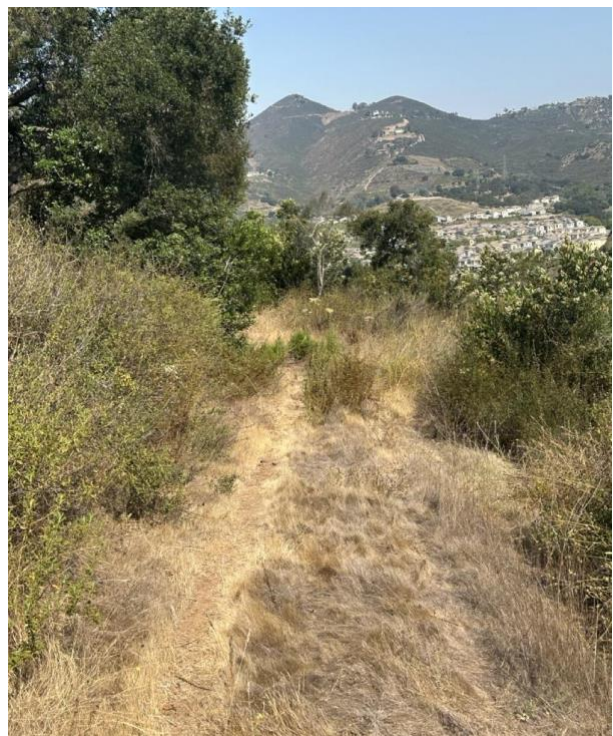
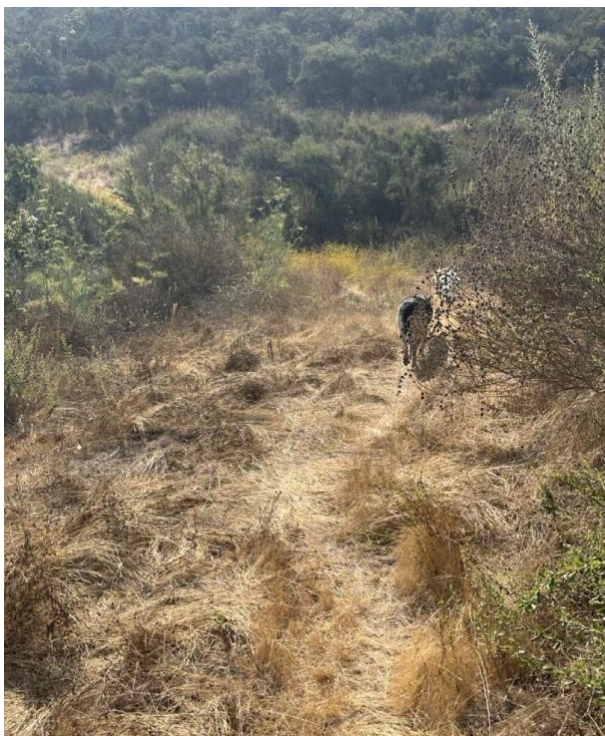
In order to assuage decision-makers' concerns, the developer offered up an unimproved dirt road as a "last resort" that exits east of the project towards Johnson Road. The community testified to the road's lack of viability. It crosses Escondido Creek Conservancy property as well as numerous other private properties all of whom do not have any interest in improving the road as it is part of conservation land. Hoping that this road will be viable for passenger vehicles and horse trailers is not a good strategy, but it clearly shows that having a secondary egress road is crucial to the safety of that community of rural residents south of Harmony Grove Road that could be caught in evacuation traffic. In order to improve this road, the County would need to use eminent domain which is fraught with numerous legal landmines.

In the aforementioned email from Chief Cox, he noted that this road "needs to be removed from the plan unless it is an improved roadway." Since the property owners have no plans to improve the roadway and it is impassable via passenger vehicles, this road cannot and should



not serve as emergency egress. Below, you can see recent pictures of the “road” that is supposed to serve as a “worst case scenario” during a wildfire event. It is impassable even by offroad vehicles.

Ultimately, the route was removed from the final EIR document, but the developer continued to argue that it was a viable alternative all the way through the appellate court hearing, and it actually helped convince the appellate court that secondary egress was not a concern.





Community sues and wins at the superior court

Following the approval of the project at the Board of Supervisors, the community proceeded to immediately sue the County and the developer based on numerous causes of action, the most relevant of which were:

- *Fire safety*: the waiver of the dead end road standard, lack of secondary egress and increased likelihood of fire and risk to public safety.
- *Greenhouse gas emissions*: an issue that the Sierra Club has pursued for all projects in the region that are amendments to the general plan. The GP accounts for GHG emissions for compliant projects. GPA projects increase the GHG inventory and need to be mitigated appropriately.
- *Affordable housing*: The county's general plan requires affordable housing whenever there is a general plan amendment. This project did not offer any.



The superior court agreed with all the causes of action which triggered a setting aside of the project approvals.

Developer appeals

The developer appealed the decision and it was remanded to an appellate court that upheld two out of the three major causes of actions (GHG and Affordable Housing) while rejecting one: the fire safety argument. Essentially, the court decided that given a conflict between two sets of experts, the County had the discretion to decide which experts to listen to. It did not adjudicate which experts were correct on the subject of public safety. And, during the appellate hearing, the panel accepted the developers' definition of "last resort" access through Johnson Road, that it could be commandeered in an emergency situation, **even though it had been removed from the Final EIR.**

The project approvals would still need to be rescinded and recirculated, correcting the issues that were upheld by the appellate court as well as addressing a new law, SB743, that was implemented after this project was originally submitted. The County Board of Supervisors chose not to join the appeal and then voted to repeal all project approvals.

The principle of *res judicata* requires that projects that are recirculated due to litigation only need to address items that the court had issue with. However, if there is any new information or circumstances on the ground that would require re-analysis of any portion of the EIR, they can be reconsidered.

According to our conversations with the County, they have required the applicant to resubmit the GHG and Affordable Housing components of the project (which the appellate court upheld) as well as a new VMT analysis under SB743, which is a state mandate that was recently implemented. However, they have indicated that they do not plan on recirculating the fire protection component of the plan, though we are pushing back on this.

New changes on the ground should trigger another look at wildfire and evacuation safety

There are numerous changes on the ground that should trigger an update to the Fire Protection Plan as well as evacuation analyses among other aspects of the EIR. Here are some



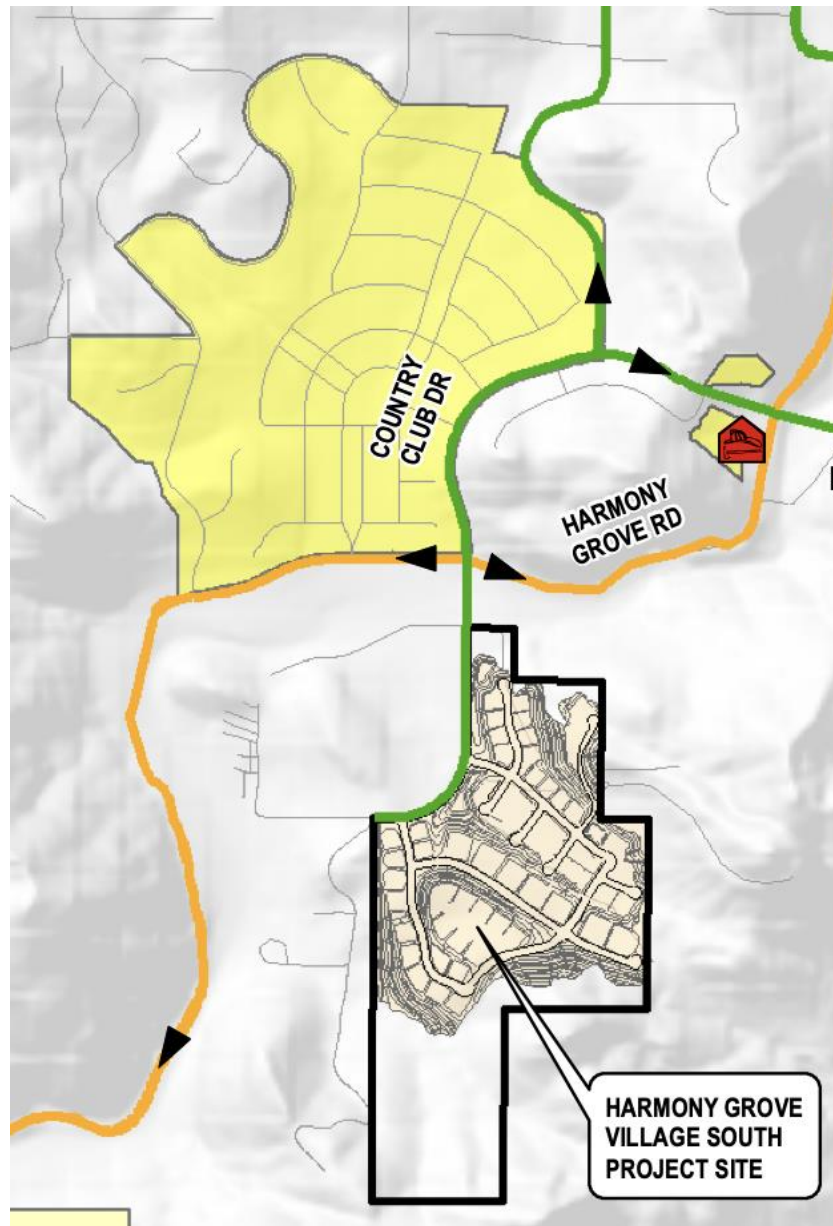
of the numerous changes on the ground that should require a re-analysis of the fire safety of this project:

- *Fire Hazard Severity Maps Upgraded:* In 2018, the project footprint was in an area that was designated by CalFire as Very High Fire Hazard Severity Zone (VHFHS). Pursuant to Government Code Section 51179¹⁴ *"wildland areas of the community that are intermixed with or adjacent to habitable structures and where the threat of a wildland fire could potentially cause widespread damage, threaten lives and impact local fire protection resources shall be considered Very High Fire Hazard Severity Zones."* However, at the time, the existing Harmony Grove Village development was designated "moderate fire hazard severity, which is the lowest rating. The Wildland Fire Evacuation Plan for HGVS considered HGV a suitable site for temporary refuge status presumably due to its lower fire hazard severity rating (page 2).¹⁵ The FPP clearly states: "The developing Harmony Grove project to the north has created a large low-fire risk area in alignment with north/northeast wind directions, reducing the fire threat at the Project site."¹⁶
 - However, in 2024, CalFire updated its fire hazard severity maps and the entire valley is now considered a Very High Fire Hazard Severity zone including the entire footprint of Harmony Grove Village. It jumped up two levels up to "Very High Fire Severity" effective April 2024. CalFire studied fuel load, topography and fire risk potential and determined that the HGV project itself was a lot riskier than it was back in 2018.
 - The temporary "shelter-in-place" refuge designated in the Fire Protection Plan is no longer in a lower risk area and therefore the FPP needs to be updated to reflect this change and whether or not it impacts the safety of the community.

¹⁴ California Code, Government Code - GOV § 51179 ([link](#))

¹⁵ Wildland Fire Evacuation Plan for the Harmony Grove Village South Project, page 2 ([link](#))

¹⁶ Appendix L to the Draft EIR, Harmony Grove Village South Fire Protection Plan, page 19 ([link](#))



The entire, existing Harmony Grove Village is shown here (in yellow) as a temporary shelter-in-place for the HGVS project, signaling their lack of faith in a proper evacuation.



- *Interference with an adopted Community Emergency or Evacuation Plan:* CEQA guidelines require an analysis to determine if a project would “impair the implementation of or physically interfere with an adopted emergency evacuation plan.”¹⁷
 - At the time the EIR for this project was being developed, county staff believed that there was no adopted plan. And in fact, even the Town Council members believed this. According to internal emails from a Public Records Act request (see below), there was, in fact, an adopted plan which surfaced two days before the planning commission hearing when a staffer at the County Office of Emergency Services, responding to a “fact check” request, emailed the project planner to inform them that there was, indeed, a plan (dating back to 2006). This contradicted their narrative that if no adopted plan existed, no analysis would be needed.

From: Rea, Stephen
Sent: Tuesday, May 22, 2018 8:23 AM
To: Smith, Ashley <Ashley.Smith2@sdcounty.ca.gov>; Crawford, Holly <Holly.Crawford@sdcounty.ca.gov>
Cc: Flannery, Kathleen <Kathleen.Flannery@sdcounty.ca.gov>; Gordon, Lisa <Lisa.Gordon@sdcounty.ca.gov>; Slovick, Mark <Mark.Slovick@sdcounty.ca.gov>; Wardlaw, Mark <Mark.Wardlaw@sdcounty.ca.gov>
Subject: RE: Planning Commission Meeting - Thursday, May 24

Ashley,

I have made some edits to your summary below.

Please note that there is an adopted CPEP plan, dated 2006, for the Elfin Forest/Harmony Grove community.

Please let me know if you have any questions.

Regards,

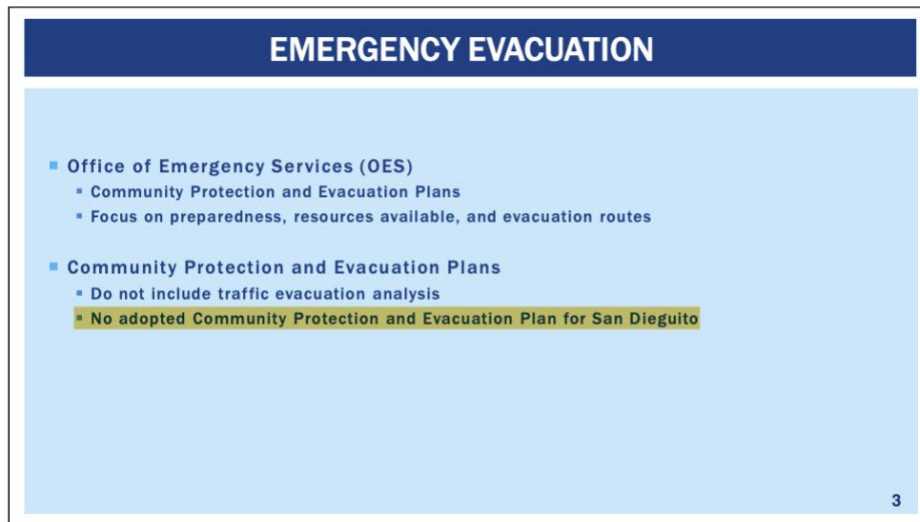
Stephen

- The County chose to ignore this information and proceeded to the Planning Commission with a slide (see below) that indicated no analysis was necessary due to a “lack of an adopted plan.” This clearly contradicted what they knew to be true and the record shows that the County received notice that a plan did

¹⁷ California Code of Regulations. Title. 14, division. 6, chapter 3, appendix G ([link](#))



indeed exist. They deprived the community of much-needed analysis of evacuation impacts.



- Despite the fact that the plan was ignored back by the County in 2018, in 2022 a newly formed Elfin Forest / Harmony Grove Fire Safe Council submitted a Community Wildfire Protection Plan (CWPP)¹⁸ to the County. It was approved and signed off by Chief Mecham and Chief McQuead and ultimately adopted by the County.
- So now, there are now two adopted plans, the 2006 plan and an adopted CWPP (2022) that is filed with the County that everyone acknowledges and *this should therefore trigger further analysis of how this project may impact the new adopted plan.*
- *New projects in the pipeline must be added to the "cumulative impacts":* CEQA requires that a project consider all future potential projects when analyzing the impacts of a project¹⁹. In the original application, the cumulative impacts included projects that were in progress or proposed for the area. Since then, several unforeseen but

¹⁸ Elfin Forest Harmony Grove Fire Safe Council, 2022 Community Wildfire Protection Plan ([link](#))

¹⁹ CEQA Guidelines Section 15130(b), Cumulative Impacts



important and potentially impactful projects have been proposed that need to be included in the analysis. And recent case law establishes that when a project is recirculated, the cumulative impacts must be updated. New projects that need to be included in the analysis include:

- *Seguro Battery Energy Storage Facility*: This industrial proposal in Eden Valley proposes one of the largest lithium-ion storage facilities in the world, situated on 23 acres along Country Club Drive, the main egress route that HGVS and the rest of the community will likely be using for evacuation. At the moment there is no data available that shows how battery systems, particularly a large-scale 1.2 gigawatt-hour facility containing 216 forty foot containers filled with millions of lithium-ion battery cells, will perform under extreme wildfire conditions. If one of the containers catches fire, it would create a toxic plume that prevailing winds blow directly east across Country Club Road, making evacuation on that route impossible. A recent battery storage facility fire in Otay Mesa forced evacuations²⁰ and closed down the main road for several weeks due to a toxic plume containing Hydrogen Chloride and other dangerous substances. The Electric Power Research Institute tracks battery energy storage facility fires and has documented 88 facilities that have caught fire since they began tracking. Importantly, more than half occurred in the last 3 years (about one a month since 2011)²¹. Most of these projects have involved evacuations, road closures and sheltering in place protocols. According to this data, a project the size of Seguro has a 28% chance of catching fire in a given year (or essentially, once every three years) not counting potential wildfire impacts.²² There is no industry data documenting how these complex and very temperature sensitive facilities would react to an intense wildfire situation.
- *Solaris Business Park*: This project was not anticipated in the previous application. It proposes upwards of 500,000 square feet of commercial space. It will use Country Club Drive (the principal evacuation route) as its primary

²⁰ San Diego Union Tribune, June 21, 2024, *Fire in Otay Mesa puts battery storage projects under scrutiny and neighborhoods on edge* ([link](#))

²¹ EPRI Failure Incident Database ([link](#))

²² The Hidden Risk Behind Growing Capacity, June 2024, *Grow the San Diego Way* ([link](#))



egress and ingress. According to "SANDAG's (Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region,"²³ this project could generate upwards of 25,000 weekly trips on Country Club that could impinge on the evacuation during a wildfire event. *This needs to be added to the cumulative analysis on evacuation and traffic.*

- *In 2022, the California Office of the Attorney General (OAG) issued new guidelines for building in high fire risk areas. The new guidelines cited numerous studies that reinforce the concern that "bringing more people into or near flammable wildlands leads to more frequent, intense, destructive, costly, and dangerous wildfires."*²⁴ The document provides new, stricter guidelines that were not in place at the time the original EIR was approved, six years ago. Key areas of relevance include:
 - *Density:* The new guidelines require analyzing the density of projects and how that impacts fire risk and spread. Low and intermediate density projects (like HGVS) that are surrounded by vegetation do not reduce the risk of fire and in fact increase it. The original Fire Protection Plan does not make any references to density. *This needs to be analyzed.*
 - *Evacuation and Emergency Access:* The new guidelines require the following analysis with regards to evacuation, most of which were not analyzed in the original Fire Protection Plan:
 - Evaluation of the capacity of roadways to accommodate project and community evacuation and simultaneous emergency access. *The current developer evacuation plan does not take into account the entire community evacuation.*
 - Assessment of the timing for evacuation.
 - Identification of alternative plans for evacuation depending upon the location and dynamics of the emergency.
 - Evaluation of the project's impacts on existing evacuation plans.

²³ SANDAG's (Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region ([link](#))

²⁴ State of California Office of the Attorney General, Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act ([link](#))



- Traffic modeling to quantify travel times under various likely scenarios.
- *Shelter-in-place*: "Avoid overreliance on community evacuation plans identifying shelter-in-place locations. Sheltering in place, particularly when considered at the community planning stage²⁵, can serve as a valuable contingency, but it should not be relied upon in lieu of analyzing and mitigating a project's evacuation impacts." *The HGVS project relies extensively on shelter-in-place as a safety measure in their Wildfire Evacuation Plan. The word "shelter" is mentioned at least 40 times and "refuge" at least 20 times.*²⁶ *This needs to be looked at again in light of the new guidance from the state.*
- *Conversion of wildland into paved development does not reduce fire risk*: The OAG's guidelines note that in some EIRs, a claim has been made that the mere fact of building homes and paved roads on wildlands reduces or does not increase fire risk. The OAG Guidelines cite numerous scientific studies that contradict this assertion. In the Fire Protection Plan for HGV South²⁷, this claim is made several times both in regards to the existing Harmony Grove Village and the proposed HGV South community (both on page 19 and 39). They state unequivocally that the project will not increase risk for that reason. Here's the relevant text:

*The developing Harmony Grove project to the north has created a large low-fire risk area in alignment with north/northeast wind directions, reducing the fire threat at the Project site... The Project would include conversion of fuels to developed land with designated landscaping and fuel modification areas and highly ignition resistant structures. As such, the site will be largely converted from readily ignited fuels to ignition resistant landscape.*²⁸

²⁵ FEMA, Planning Considerations: Evacuation and Shelter-in-Place (July 2019) ([link](#))

²⁶ Wildland Fire Evacuation Plan for the Harmony Grove Village South Community ([link](#))

²⁷ Appendix L to the Draft EIR, Harmony Grove Village South Fire Protection Plan, Page 19 and 39 ([link](#))

²⁸ Appendix L to the Draft EIR, Harmony Grove Village South Fire Protection Plan, Page 19 ([link](#))



- The research cited by the OAG makes it clear that the vast majority of wildfire destruction in California takes place on paved, developed lots that are near "large blocks of wildland vegetation."²⁹ HGV South is surrounded on all sides by large blocks of wildland vegetation or grasslands including over 1,000 acres of permanently preserved open space directly to the south and south east. *This needs to be analyzed again and these assertions should be removed from the FPP.*
- *In 2024, San Diego County approved and adopted new Fire Protection Plan guidelines.* The new guidelines were intended to reflect the OAG's guidelines and created a higher threshold for modification of the Consolidated Fire Code which the previous project did not need to follow. It also was more prescriptive regarding the dead end road standard, making it stricter and requiring more substantiation regarding any waivers to standards.
 - *Alternatives to standards:* While the guidelines have always allowed for "alternatives," waivers or variances to fire code standards, these new guidelines require that "Any exceptions under the code shall be replaced with an alternative measure that provides the same practical effect at a ratio of 2:1." *The project's FPP should provide substantiation that it is meeting the standard to the same practical effect and at a ratio of two to one.*

RSF Fire Protection District, as the FAHJ for this project, has an obligation to assess the project and provide input on its safety.

We've met with Chief MacQuead several times on the topic. We believe his position is that if the county doesn't require looking at the FPP again, then he will defer to the previous assessments of prior Chief Michel and the County Fire Authority. We believe that the RSFFPD has the power and obligation to make the project safer by strictly enforcing the fire code, especially as it pertains to dead end road standards, just as it enforces strict application of the fire code for residents when they seek to remodel or perform work on their properties. We would respectfully ask Chief MacQuead and the Fire District Board of Directors to direct

²⁹ International Journal of Wildland Fire 2019, 28, 641–650, *High wildfire damage in interface communities in California*. ([link](https://doi.org/10.1071/WF18108)) <https://doi.org/10.1071/WF18108>



County staff to take another look at what can be done to make this project safer by analyzing the latest, newest information on the ground since the project was approved six years ago (and then rescinded).

We therefore are filing an appeal on the Fire Chief's decision to declare the project safe, to the District Board of Directors to request that the project be looked at again, taking into consideration the new information mentioned above. We are simultaneously making a request to the County staff to do the same.

The County, informally, has said that they do not believe the FPP needs to be revisited, but based on the new information that is substantial, we (and our lawyers) believe that we have a legal standing to require it. The County is reviewing our petition from counsel which is why recirculation has been delayed.

Summary of what we're asking the Board to Consider:

- We'd ask that the RSFFPD continue to support the communities and residents of Elfin Forest, Harmony Grove and Harmony Grove Village by standing by us as we seek to ensure projects do not create more hazards for our community.
- We officially appeal Chief MacQuead's decision to support the project and instead ask that the RSFFPD instruct the County to take another look at the fire safety of this project taking into account the new conditions and information that have surfaced since the original approval.
 - The 2023 County Consolidated Fire Code Sec. 111.4.3 allows a decision by a fire official to be appealed to the fire protection district.³⁰
- We'd ask that RSFFPD reach out to the County to request that they recirculate the fire protection and evacuation portions of the project application and weigh in new information and on areas that would improve our safety (including requiring a secondary egress or an equivalent that meets or exceeds that standard).

³⁰ County of San Diego Consolidated Fire Code, 2023, Sec. 111.4.3 ([link](#))



- We'd like an opportunity to meet with the District Board of Directors to provide further input and answer any questions.
- We'd like this to be placed on the next agenda for discussion.

EXHIBIT 5

July 24, 2018

Via Electronic Mail

Chair Kristin Gaspar and Members of the
Board of Supervisors
1600 Pacific Highway, Room 335
San Diego, CA 92101

Re: Harmony Grove Village South Final Environmental Impact Report
(PDS2015-GPA-15-002; PDS2015-SP-15-002; PDS2015-TM-5600;
PDS2015-REZ-15-003; PDS2015-MUP-15-008; PDS2015-ER-15-
08-006)

Dear Chair Gaspar and Members of the Board:

On behalf of the Elfin Forest Harmony Grove Town Council (“Council”), we submit these comments on the Final Environmental Impact Report (“FEIR”) for the proposed Harmony Grove Village South project (“Project” or “HGVS”). The FEIR follows similarly inadequate drafts, the Draft Environmental Impact Report (“DEIR”) and the Recirculated Draft Environmental Impact Report (“RDEIR”). (The DEIR, RDEIR, and FEIR are referred to in this letter as the “EIR”.) We submitted two letters to the County commenting on these previous drafts. Our letters of June 29, 2015, June 20, 2017 and April 9, 2018 are by this reference incorporated herein in their entirety, including all attachments. In these letters we described many substantive flaws in the EIR’s analysis. As detailed below, the EIR remains inadequate and cannot support approval of the Project. Moreover, the Findings and Statement of Overriding Considerations for the Project are insufficient and preclude approval of the Project.

The proposed Project is a glaring example of the kind of sprawl development that virtually every state and regional planning effort in California today is seeking to prevent. Even more troubling, this sprawling development would be built in an area of the County that has severe environmental constraints, including habitat for endangered and threatened species as well as significant fire hazards. As a result, the Project would have devastating impacts across the board, and, not surprisingly, is

inconsistent with every regional planning document applicable to the Project site. These include regional conservation plans to enable County-wide planning to protect endangered and threatened species; the County's regional transportation plan and sustainable communities plan, which are designed to meet emission targets by reducing vehicle trips; the anti-sprawl policies of San Diego LAFCO, intended to encourage infill development and protect open space; and even the County's own General Plan policies. Most alarming of all, given the state's recent catastrophic wildfires, the Project would bring hundreds of new residents to a site classified by the California State Fire Marshal as a high hazard fire severity zone—without any adequate means of evacuation.

The Project is opposed by area residents and by the San Dieguito Planning Group. As explained in Planning Group comments, the EIR and County staff continue to misleading the public by presenting the Project as a continuation of the Harmony Grove Village ("HGV") development approved in 2007. EIR at RTC-01-1. However, HGV was designed with extensive community input as a complete village and with the intent to limit further urbanization in the area and to preserve the rural character of the surrounding area. *Id.* Now, the County is considering discarding its past planning efforts, ignoring the good faith efforts of the community to accept their fair share of growth through HGV, and approving yet another subdivision with urban densities in areas designated for rural uses.

Other agencies have also voiced concerns about the Project. The United States Fish and Wildlife Service ("USFWS") and the California Department of Fish and Wildlife ("CDFW") submitted comments indicating that the Project is in conflict with the San Diego North County Multiple Species Conservation Program ("NC-MSCP") and would result in adverse impacts to sensitive habitat and endangered species within a Pre-approved Mitigation Area ("PAMA").

Based on our review of the County's responses to comments, we conclude that the FEIR neither adequately responds to comments previously raised, nor cures the legal inadequacies identified by those comments. The FEIR perpetuates the failings of the DEIR and RDEIR and seeks to defend the erroneous assertions and conclusions of the prior documents, rather than providing meaningful public disclosure of environmental impacts. The findings reflect these errors. Below, we identify examples of these legal inadequacies, as well as flaws with the County's analysis.

This letter is submitted along with the reports prepared by Neal Liddicoat, P.E., of Griffin Cove Transportation Consulting, PLLC., attached as Attachment 1 ("Liddicoat Report"), Dr. Matthew Rahn, Ph.D., M.S., J.D., of Rahn Conservation Consulting, LLC, attached as Attachment 2 ("Rahn Report"), and Robert Hamilton,

attached as Attachment 3 (“Hamilton Report”). We respectfully refer the County to the attached reports, both here and throughout these comments, for further detail and discussion of the EIR’s inadequacies.

I. The Project Cannot Be Approved Because It Is Incompatible With County Ordinances and the Goals and Development Standards of the County’s General Plan and the Community Plan.

A Project’s consistency with applicable plans and ordinances plays two separate and distinct roles in the environmental review and project approval process. The State Planning and Zoning Law requires that development decisions, including conditional use permits, be consistent with the jurisdiction’s general plan. See *Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176, 1184. And under CEQA, an inconsistency or conflict between a plan or ordinance and the Project is a significant impact that must be disclosed and analyzed. Here, the EIR misses the mark in its evaluation of these issues.

A. The Project Conflicts with Several General Plan Policies.

One of the General Plan’s fundamental tenets is that it promotes compact development in existing communities that will reduce the loss of farmland and wildlife habitat, reduce greenhouse gas emissions, and maintain the rural and unique character of the County’s unincorporated communities. In order to carry out the goal of promoting compact development, the General Plan identifies a number of “villages” where it directs the majority of future growth. These villages are located in areas where there are existing communities that form the core of the village.

The proposed Harmony Grove Village South Project site is designated and zoned for low-density, rural residential and open space uses. The proposed Project site is outside of established “village” boundaries designated for higher density and intensity uses. Moreover, while the EIR claims the project is compatible with “adjacent” uses, this position is incorrect. As shown in Figure II.2 in the May 24, 2018 Planning Commission Hearing Report, both the site and the immediately adjacent surrounding area are all designated for semi-rural and rural uses. The existing adjacent uses are rural and semi-rural uses, therefore high-density residential uses, such as those proposed by the Project, would not be compatible.

The Project is also clearly inconsistent with the Policy LU 1.4 criterion that a development be compatible with environmental conditions and constraints such as topography and flooding. General Plan at 3-24. Given the site’s steep slopes, the Project

would significantly alter a dominant physical characteristic of the Project site. It would require massive grading—approximately 850,000 cubic yards of cut and fill and the potential for blasting. EIR at 1-25. The Project would cause major topographic features of the site to be significantly flattened. See EIR Preliminary Grading Plan.

The Project would also be flatly inconsistent with Policy LU-1.2. This is another foundational General Plan provision that prohibits leapfrog development. General Plan at 3-23. The General Plan explicitly defines leapfrog development as “village” densities located away from established villages or outside established water and sewer service boundaries. General Plan Land Use Element at 3-23. Here, the Project is outside the village boundary and does not provide the necessary services and facilities as it requires annexation into a sewer district to provide wastewater service. EIR at 3.1.10-3.

Finally, the Project also violates General Plan Policy LU-1.5. This policy prohibits using established or planned land use patterns in nearby or adjacent jurisdictions as the primary precedent or justification for adjusting land use designations on County lands. General Plan Land Use Element at 3-24. Here too, the project would impact, rather than enhance, the existing rural community. For the reasons discussed above, the County cannot consider the land use patterns on Harmony Grove Village as a justification for the proposed Project.

These inconsistencies should, by law, prevent approval of the Project. The intention of the General Plan was clearly to protect the rural character of the area. The proposed development would result in significant impacts in contravention of these General Plan policies.

B. The Project Conflicts with the Elfin Forest Harmony Grove San Dieguito Community Plan

The Project violates the Community Plan’s central purpose: to maintain the community’s rural character. As we commented previously, the Project does not meet the General Plan’s strict criteria for allowing village expansions, and must be disapproved on this basis alone. In addition, the Project would irrevocably alter the community’s rural atmosphere by introducing urban-style development, with resulting noise, traffic, and other impacts. The Community Plan specifically foresaw that developers would want to up zone properties and build urban and suburban developments in the community, and it explicitly restricted their ability to do so. Among other limitations, the Community Plan requires that new development utilize on-site septic systems, which helps maintain the large-lot, rural atmosphere. It also forbids the County from approving new developments that will cause urban residences to greatly outnumber rural residences in the community,

thereby drowning out rural voices. The Project would clearly violate both of these policies.

Similarly, the County made a clear policy decision regarding development in this rural portion of the County when they included express provisions in the Community Plan that prohibit expansion of the Harmony Grove Village Wastewater Reclamation Facility in order to prevent urban and suburban growth. Policy CM-10.2.1 is similarly clear in “[r]equir[ing] all proposed new development to use septic systems with one septic system per dwelling unit.” Community Plan p. 39. Policy LU-1.1.3 reiterates the same concern: “Any and all development in Elfin Forest must be served only by septic systems for sewage management to ensure the preservation of the community’s rural character.” *Id.* p. 27; see also County Code § 68.341(e) (requiring that subdivisions with septic systems must allow adequate land for the system, plus reserve area).

These requirements are essential components of the Community Plan’s broader rejection of precisely the type of sprawling growth represented by the Project. “Septic systems are the sole and preferred sewage management for Elfin Forest, because they ensure that Elfin Forest - Harmony Grove will remain a rural community.” Community Plan p. 39; see also *id.* pp. 27 (“Policy LU-1.1.1: Restrict land uses to single-family rural residences, equestrian or large animal estates, and agricultural uses. Policy LU-1.1.2 Require minimum lot sizes of two acres outside the Village Boundary . . .”), 19 (“Development of these parcels with an urban, clustered or suburban design would threaten the continued existence of the rural residential and equestrian character of Harmony Grove.”).

The prohibitions on urban densities and infrastructure are also enforceable provisions of the County General Plan because the Community Plan has been adopted and incorporated into the General Plan. See General Plan p. 1-12 (“As integral components of the County of San Diego General Plan, Community Plans have the same weight of law and authority in guiding their physical development.”), Community Plan Certification of Adoption. The County is thus bound by the Community Plan and cannot approve annexation of the project site to a sewer district to facilitate development, in direct violation of the Community Plan. See *Napa Citizens for Honest Gov’t v. Napa County* (2001) 91 Cal.App.4th 342, 379.

Again, these flaws have two legal results. First, the EIR’s analysis of land use impacts is profoundly flawed, and its conclusion that impacts will be less than significant is not supported by substantial evidence. Second, the County may not approve the Project, and specifically, may not approve a major use permit (for the water treatment plant) that is inconsistent with the General Plan and the Community Plan. Moreover, the

proposed amendments to the General Plan and Community Plan fail to remedy the inconsistencies. Thus the County may not legally approve the Project.

C. The County Cannot Make the Required Findings Under the County Zoning Code.

In order to issue a Major Use permit for the Project, the County must make the following findings, among others: “[t]hat the location, size, design, and operating characteristics of the proposed use will be *compatible with adjacent uses*, residents, buildings, or structures, with consideration given to:

1. Harmony in scale, bulk, coverage and density;
2. The availability of public facilities, services and utilities;
3. The harmful effect, if any, upon desirable neighborhood character;
4. The generation of traffic and the capacity and physical character of surrounding streets;
5. The suitability of the site for the type and intensity of use or development which is proposed; and to
6. Any other relevant impact of the proposed use. . . .”

Zoning Code §7358 a. (emphasis added). The Code also requires that the use be consistent with the San Diego County General Plan and that that the County comply with CEQA in processing the application. *Id.*

Substantial evidence in the record shows that the County cannot make these findings. The FEIR contains multiple comments, including those from the Town Council, that present detailed discussion of the Project’s incompatibility with adjacent uses. *See, e.g.*, Town Council comment letter, FEIR at RTC-06-16-19. In addition, the EIR itself demonstrates that the Project would have several impacts that would render it incompatible with adjacent residential uses. For example, the proposed development is out of scale with the low-density of the surrounding community. The project site does not provide the necessary utilities for a development of the size proposed, as evidenced by the need for the site to be annexed into a sewer district. In addition, the proposed urban densities would have a “harmful effect” on the rural character of the area. Zoning Code §7358, item 3. The development would also generate substantial amounts of traffic, add to the urbanization of the area, and result in significant, unmitigated impacts to adjacent properties from increased wildfire risk.

This section of the Zoning Code also requires the County to find that the Project is compatible with adjacent land uses, which should include an analysis of

compatibility with *all* of the surrounding land uses, not only uses within Harmony Grove Village. Here, the Project, which proposes a dense, urban-scale development, is not compatible with the neighboring rural and protected open space uses.

Because the County cannot make the findings required by the Zoning Code, it cannot lawfully approve the Project.

D. The County Cannot Make the Findings Necessary to Approve the Specific Plan.

Similarly, the Specific Plan proposed for the Project site cannot lawfully be approved. The County's "Specific Plan/Specific Plan Amendment Applicant's Guide" provides:

A Specific Plan/Specific Plan Amendment shall not be approved until it has been found that such Plan:

- Systematically implements and is consistent with the General Plan and applicable Community or Subregional Plan.
- Conforms to all applicable laws and ordinances.
- Is compatible with adjacent development.
- Demonstrates long-term feasibility of all public services and facilities and the short-term availability of those services necessary to serve the development.

As discussed throughout this letter and in our prior comments, the Project is inconsistent with the General Plan and Community Plan requirements for the site. The proposed development would result in significant visual impacts and changes to the rural character of the area and is thus incompatible with existing adjacent residences in the area. Moreover, the project site does not have sewer service available and would require annexation into a sewer district, which as explained further below, would be inconsistent with required findings under LAFCO policy. As a result, the County cannot make the findings necessary to approve the proposed Specific Plan.

II. The County's proposed CEQA Findings Are Inadequate.

The proposed CEQA Findings are also inadequate. The Findings are not supported by substantial evidence and do not supply the logical step between the proposed decision and the facts in the record, as required by state law. And any benefits of the Project do not outweigh the significant environmental impacts associated with the Project, especially in comparison to the feasible, lower-impact General Plan Consistent with Sewer Alternative and Harmony Commons Alternative.

A. The Findings Do Not Justify Rejection of the Feasible and Environmentally Superior "General Plan Consistent with Sewer Alternative."

Under CEQA, an agency may not approve a proposed project if a feasible alternative exists that would meet a project's objectives and would diminish or avoid its significant environmental impacts. Pub. Res. Code § 21002; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 731; see also Guidelines §§ 15002(a)(3), 15021(a)(2), 15126(d); *Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433, 443-45. CEQA mandates selection of the environmentally superior alternative if it can feasibly attain most of the project's objectives, "even if it would impede to some degree the attainment of the project objectives, or would be more costly." Guidelines § 15126.6(b). In addition, a "lead agency may not give a project's purpose an artificially narrow definition," to shape this determination but rather must "structure its EIR alternative analysis around a reasonable definition of underlying purpose and need." *In re Bay-Delta etc.* (2008) 43 Cal.4th 1143, 1166. In particular, using overly narrow objectives to dismiss reasonable and feasible alternatives constitutes prejudicial error. See *North Coast Rivers Alliance v. Kawamura* (2015) 243 Cal.App.4th 647, 669-70 (where the lead agency's overly narrow project purpose caused it to "dismiss[] out of hand" a relevant alternative, this error "infected the entire EIR").

The EIR fails to support its rejection of either the "General Plan Consistent with Sewer Alternative," which is identified in the EIR as the environmentally superior alternative,¹ or the "Biologically Superior Alternative." CEQA requires agencies to explain their rejection of potentially feasible alternatives in a manner "sufficient to enable

¹ Pursuant to CEQA Guidelines § 15126.6(e)(2), when the No Project Alternative is identified as the environmentally superior alternative, the EIR must select another environmentally superior alternative. In this case, because the No Project Alternative was identified as the environmentally superior alternative, the General Plan Consistent with Sewer Alternative was therefore selected the environmentally superior alternative.

meaningful public participation and criticism.” *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437, 1458. Courts have repeatedly found that agencies fail to meet this standard when they reject alternatives based on unsupported conclusions. *Save Round Valley Alliance*, 157 Cal.App.4th at 1465; *Habitat and Watershed Caretakers v. City of Santa Cruz* (2013) 213 Cal.App.4th 1277, 1305 (“CEQA does not permit a lead agency to omit . . . analysis . . . of *any* alternatives that feasibly might reduce the environmental impact of a project on the *unanalyzed theory* that such an alternative *might not* prove to be environmentally superior to the project”); *Center for Biological Diversity v. County of San Bernardino* (2010) 185 Cal.App.4th 866, 884-85 (overturning FEIR in which an agency rejected an alternative based on unsupported, conclusory statements); *Pres. Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336, 1355 (rejecting FEIR’s alternatives analysis because “the public and the City Council were not properly informed of the requisite facts that would permit them to evaluate the feasibility of this alternative”).

The County’s CEQA Findings state that the “General Plan Consistent with Sewer Alternative” was rejected because “specific economic, legal, social, technological or other considerations make this alternative infeasible.” BOS Letter dated May 15, 2018 Attachment N, Draft CEQA Findings and Statement of Overriding Considerations for the Harmony Grove Village South Project (“CEQA Findings”) at 54. However, the Findings fail to identify any specific economic, legal, or technological considerations or provide any evidence to justify the conclusion that the alternative would be infeasible. The Findings indicate only that the “General Plan Consistent with Sewer Alternative” is infeasible for social and other considerations because it fails to meet most project objectives and fails to support the County General Plan goals related to smart growth. For example, the Findings state that the alternative fails to meet Objective 1 because “with fewer residential homes it will not enhance and support the economic and social success of the village to the same degree as the Project.” *Id.* at 55. Accordingly, “the low density single-family pattern represented in this alternative has limited ability to support the economic and social success of the existing village and the alternative because it would not increase the diversity of residents and land uses when compared to the Proposed Project.” *Id.*

However, the Findings do not provide any quantitative or qualitative evidence demonstrating the single-family development pattern would not be able to support the economic or social success of the village. Without further supporting evidence that the alternative would provide a lack of diversity of residents, the Findings assume that the lack of diversity would lead to the failure of the village both socially and economically. Similarly, the Findings state that the alternative “would provide fewer or

shorter construction jobs than the larger Proposed Project” without any data or evidence to support this statement. *Id.* at 56. These unsupported, conclusory statements fail to support the EIR’s rejection of the General Plan Consistent with Sewer Alternative.

Further, the Findings claim that the “General Plan Consistent with Sewer Alternative” is infeasible because it does not meet certain overly narrow and self-fulfilling project objectives. Objectives 1, 5, and 6 effectively circumscribe and mandate selection of the Project. In particular, Objective 1 requires the project to be located adjacent to an existing Village. EIR at 1-1. Objective 5 requires the project to “[p]rovide a mix of residential uses that will provide a broad range of housing choices.” *Id.* Objective 6 requires the project to “[c]reate a mixed-use development that is compatible with existing and planned development.” *Id.* These objectives leave no room for consideration of anything other than development of mixed-use development project. Because the objectives leave no room to consider—and are used to justify dismissal without analysis of—relevant, feasible alternatives, they preclude consideration or a reasonable range or alternatives and violate CEQA. *North Coast Rivers Alliance*, 243 Cal.App.4th at 669-70. As a result, they cannot support the Finding that the “General Plan Consistent with Sewer Alternative” is infeasible.

Finally, the project objectives require expansion of a village boundary into an area designated for rural and open space uses, in contravention of General Plan and Community Plan designations. Therefore, the objectives themselves are inconsistent with General Plan policies and are thus invalid.

B. The EIR Fails to Justify Its Rejection of the Feasible Town Council Alternative.

The EIR prematurely dismisses the “Harmony Commons Alternative” proposed by the Elfin Forest Harmony Grove Town Council. The EIR claimed that this alternative was infeasible because there was not enough detail in the plan and it did not meet the overly narrow and self-fulfilling objectives of the project. EIR at RTC-O3a-64. In particular, the EIR states that the alternative would not meet the first project objective. Objective 1 requires the project to “[e]fficiently develop property in close proximity to an existing village to create one complete and vibrant community that would enhance and support the economic and social success of the village and Project by increasing the number and diversity of residential opportunities.” EIR at 1-1. The EIR states that the alternative would fail to meet this objective because it “would not as efficiently develop a site that is located next to an existing village with existing infrastructure and associated facilities and amenities.” EIR at RTC-O3a-64.

Further, the EIR states that the alternative lacks diversity because “the number of different types of households is smaller,” which indicates that the project does not meet Objective 5 and 6. EIR at RTC-O3a-64. Objective 5 requires the project to “[p]rovide a mix of residential uses that will provide a broad range of housing choices.” EIR at 1-1. Objective 6 requires the project to “[c]reate a mixed-use development that is compatible with existing and planned development in the immediate vicinity of the property while optimizing the operational effectiveness of public facilities and services of the Project and the existing village by increasing the number and diversity of residents within the Project.” EIR at 1-1.

Even though the Harmony Common Alternative would provide a mix of residential uses, the EIR concludes that the alternative does not meet these objectives given that it would not include high-density multi-family housing. But the alternative would provide four distinct housing types: (1) communal single-family “row house” Cottage type, and (2) “four-pack” Bungalow/ Harmony Court type; (3) larger lot single-family residential CSP properties; and (4) senior housing. These housing options will offer a broad range of size options, ranging from senior living opportunities to smaller condo units, to appeal to a diversity of residents. The only way the EIR concludes otherwise is by adopting an overly narrow interpretation of the Project objectives that would prohibit the County from considering anything other than a mixed-use development nearly identical to the Project. Because the objectives leave no room to consider, relevant, feasible alternatives, they preclude consideration of a reasonable range of alternatives and violate CEQA. *North Coast Rivers Alliance*, 243 Cal.App.4th at 669-70. Thus, these objectives cannot support the determination that the Harmony Common Alternative is infeasible.

III. The Project EIR Remains Deficient.

A. The EIR Fails to Analyze the Project’s Land Use Impacts Related to Compliance with State and Local Annexation Laws and Policies.

As explained in the EIR and the Planning Commission Hearing Report on the Project, the project site is not currently within a sewer district and will require annexation into a sewer district to obtain sewer service. As a result, even if the County certifies the EIR and approves the Project, the Project still cannot be built unless the county’s Local Agency Formation Commission (“LAFCO”) first approves the annexation. The site is currently undeveloped open space. Therefore, in reviewing the proposed annexation, San Diego LAFCO must consider whether the Project is consistent

with San Diego LAFCO policy and with state law regarding annexation of open space. The EIR fails to analyze this issue, a gross omission given that the plans to develop the Project rely on annexing the Project site into an existing sewer district for wastewater treatment.

LAFCOs are county-level independent regulatory commissions that serve as the Legislature's "watchdog" over city or special district boundary changes, known as "changes of organization." See *Timberidge Enterprises, Inc. v. City of Santa Rosa* (1978) 86 Cal.App.3d 873, 884; Gov. Code § 56375. When a municipality or county wishes to make special district boundary changes, it must first seek approval from its LAFCO. In reviewing boundary change requests, LAFCOs are to encourage and provide "planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space and agricultural lands within those patterns." Gov. Code § 56300(a).

Indeed, a LAFCO's principal goals include "discouraging urban sprawl" and "preserving open space and prime agricultural land." Gov. Code § 56301; see also Gov. Code § 56001 (noting LAFCO role in preserving open space lands). For LAFCO purposes, "open space" is defined as "any parcel or area of land . . . which is substantially unimproved and devoted to an open-space use" and "that is designated on a local, regional, or state open-space plan . . . for the preservation of natural resources, including, but not limited to, areas required for the preservation of plant and animal life." Gov. Code §§ 56059, 65560. The Project site therefore qualifies as open space: it is undeveloped and is located within the Pre-approved Mitigation Area ("PAMA") of the draft San Diego North County Multiple Species Conservation Program ("NC-MSCP").

In addition, the LAFCO in each county must adopt written policies and procedures to evaluate local agency boundary change proposals, including standards and criteria to guide the LAFCO's review (Gov. Code §§ 56300(a), 56375(g)), and may condition approval on applicants' compliance with its written policies (id. § 56885.5). State law also enumerates factors a LAFCO must consider when evaluating a city's boundary change request. See e.g., Gov. Code §§ 56377. A LAFCO may "disapprove an annexation if it finds that it violates the detailed criteria which a LAFCO must consider." *Bozung v. Local Agency Formation Commission* (1975) 13 Cal.3d 263,284; see also Gov. Code § 56375(a)(1).

Annexing the Project site into the existing sewer district would be inconsistent with a number of San Diego LAFCO policies. For example, Policy L-101 (Preservation of Open Space and Agricultural Land) states that "[i]t is the policy of the San Diego [LAFCO] to[d]iscourage proposals that would convert prime agricultural or

open space lands to other uses unless such action would not promote the planned, orderly, efficient development of an area or the affected jurisdiction has identified all prime agricultural lands within its sphere of influence and adopted measures that would effectively preserve prime agricultural land for agricultural use.” The EIR must analyze how annexation that will allow for the conversion of open space that is designated as part of a PAMA can possibly be consistent with this policy when vacant residential land currently within County’s SOI could accommodate thousands of new residential units. The EIR must be revised to address this omission.

San Diego LAFCO policy L-102 (Spheres Of Influence Of Cities And Special Districts) states in part that

It is the policy of the San Diego Local Agency Formation Commission to:

2. Utilize spheres of influence to:

f. Encourage annexation of territory that has been specified as available for urban development prior to annexation of other areas; and

g. Encourage the extension of urban services to existing urban areas prior to extending services to areas that are not devoted to urban uses.

Again, the EIR fails to analyze how annexation and extension of urban services to a site designated for rural uses would be consistent with these policies when the Project site is clearly designated and zoned for rural uses.

Moreover, LAFCO Policy L-102 states in pertinent part that it is the policy of the San Diego Local Agency Formation Commission to:

5. Discourage major amendments to a city or special district sphere if the sphere has been updated or affirmed within the prior five year period except for the following conditions:

a. Public health or safety needs; for example, amending a jurisdiction’s sphere to permit annexation of a parcel that requires public sewer service because of a failed septic system;

- b. Property under a single ownership that is split by a sphere boundary if the split property shares characteristics including access, geography, communities of interest and the manner in which services will be provided;
- c. A reorganization involving two or more jurisdictions if the sphere of influence boundaries are coterminous and each jurisdiction agrees to the sphere amendments and reorganization;
- d. If a city or special district can provide adequate documentation showing that conditions have significantly changed to warrant a sphere amendment.

The EIR cites no evidence indicating that these conditions are met for this Project. In fact, the EIR fails to discuss these policies at all. In addition, LAFCO recently affirmed in a June 2018 decision that the sewer agency taking over the HGV water treatment facility (the Rincon Water District) could only serve the footprint of the existing Harmony Grove Village project at the exclusion of surrounding properties, and the District modified its Master Plan to reflect that limitation.

B. The EIR's Analysis of Project-Related Growth Inducing Impacts Is Inadequate.

The CEQA Guidelines require analysis of projects “which would remove obstacles to population growth” or “which may encourage and facilitate other activities that could significantly affect the environment,” specifically referring to expansion of water treatment facilities as an example of such a project. Guidelines § 15126.2(d). Courts also have required environmental analysis of rezoning or other planning steps that remove barriers to development. *See, e.g., City of Carmel-by-the-Sea v. County of Monterey* (1986) 183 Cal.App.3d 229, 235, 240-41 (an EIR must be prepared for rezoning even if “no expanded use of the property was proposed”); *Inyo Citizens for Better Planning v. County of Inyo* (2009) 180 Cal.App.4th 1, 9-10 (because unamended plan could be interpreted as a moratorium on development, an EIR was required to consider environmental impacts of amendment that would lift moratorium).

More generally, “an EIR must include an analysis of the environmental effects of future expansion [of the project] or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its

environmental effects.” *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 396; see also Guidelines § 15064(d). These reasonably foreseeable consequences include increases in development that result when a project is no longer subject to existing general plan limitations. See *City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398, 414 (“reasonable assumptions of environmental impact may be discerned” from reductions in restrictions imposed by a general plan).

Here, the Project will depart from the strict prohibitions of the Community Plan regarding expansion of infrastructure. Therefore, the County must analyze the resulting removal of restrictions on growth and associated, reasonably foreseeable impacts on the environment.

The appropriate components for an adequate “growth-inducing” analysis include: (1) estimating the amount, location and time frame of growth that may occur as a result of the project (*e.g.*, additional housing, infrastructure, and mixed use developments); (2) applying impact assessment methodology to determine the significance of secondary or indirect impacts as a result of growth inducement; and (3) identifying mitigation measures or alternatives to address significant secondary or indirect impacts. The EIR’s growth inducing impacts analysis fails to contain these essential components.

Although the EIR discusses the Project’s influence on growth in the surrounding area, it relies on faulty reasoning to conclude that the Project would not induce growth. First, the EIR asserts that the project would not induce growth because the project “supports planning agencies goals to reduce leap-frog development, urban sprawl and increased traffic congestion as residents of far-flung communities compete for access to centralized resources.” EIR at 1-36. Ironically, the proposed Project fits exactly the description of leap-frog development. As discussed above and in our previous comments, the Project is clearly inconsistent with County and regional planning policies for the area by developing a dense, yet “far-flung” community competing for access to centralized resources. Moreover, the EIR acknowledges that the Project would result in significant, unmitigated impacts related to traffic congestion and other adverse effects. EIR at S-20 to 22.

Second, the EIR asserts that the requested General Plan amendment and rezoning to accommodate the proposed development would not encourage a similar pattern of growth because multiple constraints exist on surrounding lands that would prevent growth. *Id.* The EIR sites topographical and environmentally unsuitability and existing land use restrictions as two key constraints. *Id.* However, the Project site

includes steep slopes for which the County is considering a waiver of the Resource Protection Ordinance. See EIR at Appendix C. Given that these constraints currently apply to the Project site, and that the County is considering approval of the Project despite the constraints, the cited land use restrictions appear to be no constraint at all to induced growth.

The Project site also includes sensitive biological resources, including special status species, that would be impacted by the development. As the U.S. Fish and Wildlife Service (“USFWS”) and the California Department of Fish and Wildlife (“CDFW”) commented, “[T]he project site is located within the Pre-approved Mitigation Area (PAMA) of the draft NC MSCP, and as such, is of particular concern to the Wildlife Agencies in terms of potential project impacts to sensitive species, and overall preserve design.” USFWS/CDFW comments on the DEIR at EIR Comment Letter F1 at p. RTC-F1-2. The USFWS/CDFW comment letter also states that the proposed Project impacts “are within an important area targeted for conservation in the draft NC MSCP and is of particular importance for the gnatcatcher,” a federally endangered species. *Id.* Yet, the County seems poised to ignore these concerns and approve urban-density development in this sensitive biological area.

Third, the EIR asserts that extension of public utilities in the form of annexation of the site into a sewer district and approval of a new wastewater treatment plant would not induce growth. EIR at 1-39. Specifically, the EIR claims that the proposed wastewater treatment plant would only serve the Project and that service “would not be extended to future development.” *Id.* But two sentences later, the EIR reverses itself and states that “future efforts to tie into any facilities by off-site users would be required to undergo independent environmental review and approval by the Board of Supervisors.” In this way, the EIR acknowledges that the expansion of sewer service in the area is a possibility and would be considered by the County.

In addition, the EIR asserts that redesignating the site to a higher density will not encourage similar increases in density elsewhere in the area because existing land use designations on surrounding lands present constraints and would mean that the Board would review and evaluate such conversions for impacts. However, these are the same constraints that the County is considering lifting to allow this Project to be built, contrary to existing General Plan and zoning requirements. The community was assured that the land use constraints on the proposed Project site would ensure that the Harmony Grove Village project would not be growth-inducing. The County cannot have its cake and eat it too: Either the general plan designations mean something, in which case the County must deny the ad hoc request to change them for this Project, or they do not, in which case they cannot constrain future growth, either.

Moreover, the Project would add extensive new infrastructure and therefore remove significant obstacles to population growth in the area. It would add new and widened roads and intersections. It would upgrade the County's water supply system and reclaimed water system by extending new pipelines that would connect to the County's public water and reclaimed water systems. It would annex the site into a sewer district and add new sewer lines and a sewer pump station. EIR at 1-13. The EIR acknowledges that these infrastructure projects are "traditionally seen as having the potential to encourage development" (at 1-39), yet it neglects to complete the analysis required by CEQA. The EIR asserts that this new infrastructure would not be growth inducing because it would be sized only for the Project. *Id.* The EIR lacks any evidentiary support for these assertions. The EIR fails to evaluate the general form, location, and amount of growth that could result from the Project's development of this extensive infrastructure, and thus violates CEQA. The same assertion was made for the water treatment facility for HGV in the HGV EIR, which is now one of the alternatives evaluated for sewage treatment by this project EIR and another GPA – so clearly these limitations do not present a barrier.

The EIR also asserts that the Project is not growth inducing; rather it is "growth accommodating" because it would provide additional housing in a region where SANDAG is forecasting an increase in regional population. EIR at 1-37. But *Environmental Planning and Information Council v. County of El Dorado* expressly rejects such reasoning. (1982) 131 Cal.App.3d 350, 354. Whether an agency's existing plan may predict growth is irrelevant to an analysis of growth-inducing impacts: CEQA is not concerned with a project's impacts on a plan, but "with the impacts of the project on the environment, defined as the existing physical conditions in the affected area." *Id.* (emphasis added). Thus, the EIR must analyze the impacts of the Project's likely inducement of growth, regardless of whether planning documents had already envisioned it. The EIR fails to meet this requirement.

Finally, the EIR errs because it does not analyze growth attributable to the Project's precedential nature. In particular, because the Project includes applications for annexation to a sewer district and rezoning to increase the maximum allowable dwelling units on the site from the current 220 units to the proposed 453 units, if approved, it would send a message that the County supports such excessive and unplanned growth. This message could have immediate impacts in the area, as there is a 50-acre parcel (Anderson) currently for sale at end of Hillside Road near the Spiritualist Center, the 30 acre Bamber property directly adjacent and west of HGVS, and next to Bamber is the Lancione property also about 30 acres. In addition New Urban West just exercised the option to purchase and a 30-acre parcel across from the Project Site to the west, on

Country Club Drive. Nevertheless, despite CEQA's clear requirement that these effects be analyzed (*see* Guidelines § 15126.2(d)), the EIR does not even acknowledge them. The EIR's failure to analyze the environmental impacts of this potential growth violates CEQA.

C. The EIR's Analysis of the Project's Fire Risk Impacts Remains Inadequate.

Perhaps of greatest concern to the surrounding community is the EIR's seriously deficient analysis of fire risk. It is well-documented that the site is located in a highly fire-prone area. As explained in the attached Rahn Report, adding hundreds of new residents in a hilly area of the wildland-urban interface—with few escape routes, and a history of wildfires—is, put simply, terrible policy. As was seen in the 2014 Cocos Fire, and more recently in the Tubbs fire in Santa Rosa, the Thomas and Lilac Fires in San Diego and Ventura Counties, and countless other fires around the state, implementation of fire breaks and setbacks is not an adequate solution to address the kind of wind-driven fires that are becoming ever more prevalent in California. Even if the fuel modification zones surrounding the Project and the building design measures somehow protect the new homes from conflagration—which has not been sufficiently demonstrated in the EIR—nothing can guarantee the safety of the new and existing residents. A safe escape from a huge wildfire that can move rapidly across hilly terrain is far from certain when thousands of others are also trying to escape on a limited number of roadways. The EIR fails to adequately evaluate and mitigate this public safety hazard.

1. The EIR Employs Inappropriate Thresholds of Significance.

“A public agency cannot apply a threshold . . . ‘in a way that forecloses the consideration of any other substantial evidence showing there may be a significant effect.’” *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 342 (quoting *Communities for a Better Env't v. Cal Resources Agency* (2002) 103 Cal.App.4th 98, 114); *Protect the Historic Amador Waterways*, 116 Cal.App.4th at 1111-12. In *Protect the Historic Amador Waterways* the court concluded that an agency may not “rotely appl[y] standards of significance that d[o] not address . . . potential environmental effect[s] of the project.” *Id.* at 1112. Invalidating the EIR, the court held that the agency must demonstrate, based on substantial evidence, that the project would not result in significant environmental impacts. *Id.* at 1111-12.

Here, the EIR concludes that the Project would have less-than-significant impacts related to increased fire risks in part because it fails to use proper thresholds. The CEQA Guidelines call for evaluation of a project's potential to “[E]xpose people or

structures to a significant loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.” CEQA Guidelines, Appendix G section VIII.h. The EIR foregoes analysis of this impact, despite the fact that such impacts are highly relevant for the Project site.

Instead, the EIR’s threshold of significance related to wildland fire impacts state that the Project would result in a significant impact if:

8. The project cannot demonstrate compliance with all applicable fire codes.

9. A comprehensive FPP has been accepted, and the project is inconsistent with its recommendations.

10. The project does not meet the emergency response objectives identified in the Public Facilities Element of the County General Plan or offer feasible alternatives that achieve comparable emergency response objectives.

EIR at EIR at 3.1.3-19 and 20. The EIR indicates that these thresholds of significance are based on the County Guidelines for Determining Significance – Wildland Fire and Fire Protection (2011e).

In fact, the EIR’s analysis is indicative of a deficiency in the County’s guidelines to determining significance of wildland fire hazards. As we have explained, the Project would subject existing residents to increased risks from wildfire hazards and introduce new hazards in terms of providing inadequate emergency evacuation routes. The EIR, however, fails to evaluate the increased risk to people and property due to construction of the Project. The EIR’s thresholds of significance should be modified to include a criterion providing a more meaningful measure of the Project’s exacerbation of unacceptable wildfire hazardous conditions. Moreover, a revised EIR must reflect the Project’s inadequate ingress/egress of the site and conclude that this is a significant impact.

2. The EIR Fails to Adequately Analyze Project Impacts Related to Evacuation.

The EIR finds that the primary roads in the area provide sufficient egress for all residents in a fire emergency. EIR at 3.1.3-27 through 29. The EIR identifies four ingress/egress routes, which are roadways that may be used to evacuate residents *once they are out of the development*. However, regardless of the number of roadways to

evacuate the area, there is *only one entryway* in and out of the development and that is the entrance onto Country Club Road. EIR at 3.1.1-21 (indicating that secondary access is infeasible due to topographic and other site constraints.) Moreover, as we pointed out in our comments on the DEIR, of the four routes identified for evacuation, two are too dangerous to be considered for evacuation and the third is also significantly compromised. Rhode Study at 15. The FEIR dismisses these comments and reiterates the position that four ingress/egress routes are available without addressing the reality that there is only one entrance/exit for the site.

The EIR refuses to address the issue of inadequate ingress/egress for the site despite the fact that the EIR itself presents multiple scenarios that would preclude evacuation of on-site residents via the planned roadways. EIR Wildland Fire Evacuation Plan for the Harmony Grove Village South Community (“Evacuation Plan”) at 19. The proposed emergency route to evacuate Project residents would be through the singular entrance/exit to the site located at the northern end. It does not take much imagination to envision a scenario where a fast moving fire blocks the primary egress road and traps the entire community. In fact, the EIR describes such a scenario as plausible (Evacuation Plan at 19 “wildfires igniting nearby, may occur with little or no notice and certain evacuation response operations will not be feasible (for example, establishing contra flow requires between 24 to 72 hours to be implemented; a no-notice event will not allow for contra flow to be established). Evacuation assistance of specific segments of the population may also not be feasible.”) And similar scenarios recently occurred during the Thomas Fire.

The EIR also ignores other complicating factors to evacuation. In the real world, evacuation is much more challenging than presented in the idealized scenarios assumed in most evacuation plans, beginning with lack of warning. In the 2017 deadly Tubbs fire in Santa Rosa, efforts to warn residents of approaching flames were successful only 50% of the time. The entire warning system was fraught with multiple levels of malfunction and incompleteness. See Attachment 4, Los Angeles Times, “Alarming failures left many in path of California wildfires vulnerable and without warning,” Dec. 29, 2017 <http://www.latimes.com/local/lanow/la-me-fire-warnings-failure-20171229-story.html>. In contrast, the Fire Protection Plan and EIR assume a fully functioning warning and evacuation system, based upon measures such as “strongly encouraging” sign-ups for Reverse 911, and training and informational meetings. By assuming unrealistic, idealized scenarios, the EIR underestimates the true risks created by the Project.

The EIR also drastically overestimates the likely lead time for an

emergency evacuation. Even assuming an idealized scenario where none of the complicating factors described above were present to slow evacuation, the 1-3 hour evacuation time projected in the EIR is insufficient to evacuate the site. The scenarios presented in the EIR are optimistic and do not consider the kind of wind-driven fires that have devastated California recently. Rahn Report at 5 and 6. Even with their faulty assumptions, the EIR and Fire Prevention Plan provide ample evidence pointing to the likelihood that wind-driven wildfires would result in inadequate evacuation times that would trap both project site residents and existing residents located beyond the project who rely on Country Club Drive as the only means of egress to evacuate. Rahn Report at 5. And this acknowledgement does not even take into account the wind speeds that were not uncommon this fire season. The Fire Protection Plan models 41 mph winds, yet much higher and more dangerous gusts are immediately foreseeable. According to CalFire Director Ken Pimlott, in describing the 2017 Thomas blaze in Ventura County, “We will never be able to stop these 60-mile-an-hour, wind-driven, intense fires that move the length of a football field in a minute.” Attachment 5, Los Angeles Times, “Expenses in California’s wildfires hit record levels,” Dec. 28, 2017 <http://www.latimes.com/local/lanow/la-me-wildfire-costs-20171228-story.html>

The Evacuation Plan itself acknowledges that if a wildfire were to ignite close to the Project site, safe evacuation would not be possible. Evacuation Plan at 23. As Dr. Rahn points out, based on the Plan’s own estimates, a fire ignited at the border of the Project site could result in the entire community becoming encircled by wildfire in less than five minutes. Rahn Report at 5. As further explained in the Rahn Report, the Evacuation Plan identifies a host of potential problems that would impact evacuation of Project site residents. Rahn Report at 5 and 6. These include: fires that prevent safe passage along planned evacuation routes; evacuations during peak traffic conditions; blocked traffic during evacuation due to accidents; and inadequate time to evacuate. Evacuation Plan at 41 and Rahn Report at 5 and 6.

Yet incredibly, the EIR ignores its own data, fails to include contingency options or solutions, and concludes that impacts from wildfire would be less than significant. EIR at 3.1.3-27 and 3.1.3-29. The EIR essentially proposes nothing to reduce the risk of ignitions and potential consequences to on-site residents and existing neighboring residents. Therefore, the Project will greatly increase overall fire risk to area residents.

Moreover, the EIR describes procedures for sheltering in place and appears to be blessing these procedures as a good option to protect residents from wildfires. Fire Evacuation Plan at 20 and 21. As we commented previously, however, this area is not

classified as a shelter-in-place area. The EIR acknowledges this fact. Evacuation Plan at 23 (“Although not a designated shelter-in-place community, the structures in Harmony Grove Village South include the same level of ignition resistance and landscape maintenance and are defensible against the short duration wildfire exposure anticipated and they are designed to require minimal resources for protection, which enables these contingency options that may not be available to other vicinity communities.”) Thus, it is unclear how sheltering in place would reduce fire danger to residents.

In sum, although the proposed Project design fails to provide secondary ingress/egress, the EIR continues to claim that the site has adequate evacuation routes while relying on the shelter-in-place approach as a back-up to evacuating people. This “analysis” is woefully inadequate to inform the public and decisionmakers about the severe fire hazards associated with the proposed Project.

3. The EIR Fails to Propose Feasible Mitigation Measures to Reduce Project-Related Fire Hazards.

An EIR is inadequate if it fails to suggest feasible mitigation measures, or if its suggested mitigation measures are so undefined that it is impossible to evaluate their effectiveness. *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 79. Of course, the County may not use the inadequacy of its impacts review to avoid mitigation: “The agency should not be allowed to hide behind its own failure to collect data.” *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 36. Building dense residential development on steep hillside areas with limited ingress/egress is not a trivial issue; CEQA mandates that these impacts be fully evaluated and minimized. *Id.*

Here, as described above, the Project would exacerbate risks from wildfire hazards to existing residents and introduce new hazards in terms of providing inadequate emergency evacuation routes. These increased risks and hazards constitute a significant impact requiring the County to identify feasible mitigation measures and alternatives to minimize them. The EIR describes project features to protect the proposed development in case of fire. These features include ignition and ember resistant construction materials and methods for roof assemblies, walls, vents, windows, and appendages, as mandated by San Diego County Consolidated Fire and Building Codes. DEIR at 2.14-11. Requiring these methods of hardening structures for the Project may provide some measure of protection for individual structures within the Project, but it provides no mitigation for the increased ignition risks created by the Project, and no protection from the increased risk of wildfire for existing residences to the west and east of the Project. The DEIR must

identify feasible mitigation measures for such impacts (e.g., providing hardening for nearby existing structures).

Finally, the EIR includes a mitigation measure by which the Project would contribute a share of the cost to construct and equip a new fire station on the Harmony Grove Village site to the north. This measure is woefully insufficient to protect on-site and area residents for several reasons. First, completion of the fire station could take several years. The Harmony Grove Village project was approved in 2008. Ten years later, less than half of the project has been constructed and the fire station has not been built. May 24, 2018 Planning Commission Hearing Report at 1-4. The EIR indicates that funding from the proposed HGVS Project “will help to close the financial gap that currently exists” but it provides no information as to when the new facility would be built. EIR at Attachment L, Fire Protection Plan at 53. Disturbingly, the EIR also states:

The project’s contribution to fire resources through development impact fees and ongoing fair share allocations, such as assessments, along with state fire fees, combined with similar contributions from future development in the area are expected to result in funding that can be used for enhancing response capabilities and at least maintaining the current standards for firefighting and emergency response, if not improving them in the area of the County where there is a known gap.” Id.

In other words, it is a known fact that there is a gap in fire-fighting capability in this part of the County designated as a high fire hazard area. Yet, the County is contemplating approval of hundreds of additional housing units, at higher densities than allowed by the General Plan, when mitigation to ensure construction of the fire station that should have been built years ago is still outstanding. In the meantime, the project site and surrounding area will be exposed to extreme fire hazards with no mitigation in place.

Second, it is plausible that the developer could build the initial phases of the development and encounter delays (as has evidently been the case with Harmony Grove Village) or opt not to complete the project due to the cost of other factors. In this case, the project would implement no mitigation at all. The County’s plans are simply not sufficient to keep current and future residents safe in light of the large increase in fire danger that the Project would bring.

Finally, as described in the Rahn report, the Project should provide a

secondary egress to allow for adequate evacuation routes. The proposed measures are untested and have not been evaluated under real-world scenarios. No evidence is provided that suggests these measures provide the same or higher level of community protection and safety. If anything, based on the high risks at the Project site, the County should apply more stringent standards that have a proven record of success. Rahn Letter at 6.

D. The EIR's Traffic Analysis Remains Deficient.

The EIR's traffic impact analysis remains faulty as well. Notably, in response to our prior comments, the FEIR includes some revised and corrected traffic impacts analysis. However, as detailed in a comment letter by Neal Liddicoat, the analysis remains deficient. See Liddicoat Report at Attachment 1. For example, no analysis was conducted of State Route ("SR") 78 freeway operations under buildout conditions, despite the fact that it is documented to be operating at level of service "F" under less intensive scenarios than proposed by the Project. Liddicoat Report at 4. Similarly, the EIR violates County requirements by failing to provide analysis of area intersection operations under buildout conditions. Id at 7.

As detailed in the Liddicoat Report, the EIR's analysis is also inadequate in two other crucial ways. First, the analysis fails to provide a freeway ramp analysis. Specifically, the EIR fails to follow Caltrans' guidance for analysis of freeway capacity on SR 78 and Interstate 15 to safely accommodate vehicles entering and exiting those freeways. Liddicoat Report at 1 - 4. The EIR acknowledges that segments of SR 78 are projected to operate beyond capacity under two analysis scenarios, which would impact traffic entering and exiting the freeway. Therefore, the EIR should have evaluated project-related impacts to freeway on- and off-ramps. Id. at 4.

Second, the EIR never seriously grapples with traffic problems related to the entrance to the Project. The EIR's traffic impact analysis glosses over inadequate sight distance at the Project entrance. The EIR analysis fails to account for the substantial improvements that will be made to Country Club Drive as part of the Project. As explained in detail in the Liddicoat Report, the Project includes a roadway design exception that allows for reduced sight distance but would consequently results in unsafe operations at any speed greater than 27.5 miles per hour. Liddicoat Report at 5. However, the roadway improvements will allow for higher travel speeds, which would require a much greater minimum corner sight distance than that provided by the Project design. Id. at 6. The result is that drivers exiting the Project site driveway would have substantially less sight distance than will be needed (275 feet versus the needed 450 feet), leading to

the potential for crashes between drivers exiting the site and drivers on Country Club Drive. Id. The EIR is legally deficient for failing to fully and accurately analyze these issues.

E. The EIR's Response to Comments Regarding the Analysis of Impacts to Biological Resources Is Inadequate and the Analysis Remains Deficient.

The FEIR fails to respond to pertinent comments on significant impacts to sensitive biological resources. Instead, the FEIR dismisses comments by reiterating claims made in the DEIR without supporting facts or substantive analysis, offers conclusory statements without a factual or legal foundation, and in some cases, dodges the comments by offering “responses” that fail to address the point raised by the commenter.

Moreover, the EIR analysis of the Project's biological impacts remains woefully inadequate. For example, as described in the Hamilton Report (Attachment 3 to this letter), the Project fails to minimize and mitigate sensitive habitat loss as is required for issuance of a Habitat Loss Permit. Hamilton Report at 2. The Project would result in potentially significant impacts to special status plants (*Brodiaea filicifolia*, Brewer's Calandrinia, and other rare plants) and animal species (Western Spadefoot and others). Hamilton Report at 2-4. However, the EIR fails to identify these impacts as significant and fails to provide adequate mitigation. Id.

In addition, as explained in detail in the Hamilton Report, the EIR fails to follow methodology as prescribed by the Natural Community Conservation Planning (“NCCP”) requirements to determine impacts to coastal sage scrub (“CSS”). Id. at 4-6. This failure results in undercounting of the amount of CSS habitat that would be impacted by the Project. Until these failures are remedied, the analysis of Project impacts to biological resources will remain inadequate under CEQA.

IV. The EIR Fails to Consider the Cumulative Impacts of Bundling this Project Approval together with other GPAs to Allow Massive Development Outside of Areas Designated in the General Plan.

The Board is considering the Harmony Grove Village South Project, which requires a general plan amendment, at the same hearing where it is considering several other residential development projects that are also inconsistent with the land use designations in the current General Plan. Moreover, the County has even more GPAs in

the pipeline. Altogether, these GPAs will allow more than 10,000 additional residential units in areas that were not planned for that high density development in the General Plan. Yet, the EIR fails to analyze the cumulative impacts of this Project together with other GPAs. In some cases, the HGVS EIR fails to include projects in the cumulative analysis at all (e.g., the EIR does not include the Otay 250 project in its list of cumulative projects).

This approach to development would threaten core aspects of the County's General Plan. It would also have cumulatively considerable environmental impacts. The EIR for this Project fails to discuss either of these critical issues, and thus is invalid.

Moreover, because the County is treating these three GPAs as "one" general plan amendment for purposes of complying with Government Code section 65358, it was also required to consider these three amendments as a single project, and conduct project-level CEQA analysis for the three amendments combined. The County obviously failed to do that as well.

A. The County's Approval of Tens of Thousands of New Residential Units Would Fundamentally Undermine the County's General Plan.

The County is in the midst of a fundamental transformation of the rural and semi-rural lands that define the unincorporated backcountry. In the twelve-month period between December 2017 and November 2018, the County is proposing to amend its General Plan on *four* separate occasions to accommodate 9 different projects and 10,206 new residential units. One of these projects is the Harmony Grove Village South Project. While strong arguments can be made that any one project conflicts with the County General Plan—which was adopted in 2011 to "protect the County's unique and diverse natural resources and maintain the character of its rural and semi-rural communities" (General Plan at 1-2)—the overall impact to the General Plan is devastating. If the County approves all nine projects, the County will set itself on a path toward suburban sprawl, increased traffic, profound fire risk, and loss of agricultural and open space lands that cannot be reversed.

B. Over the Course of a Single Year, the County Is Poised to Approve Projects Adding Over 10,000 Residential Units to the General Plan, Predominantly in Rural and Semi-Rural Areas.

Beginning in December 2017, the County set in motion a plan to fundamentally alter San Diego's unincorporated backcountry. The Board either has considered or is set to consider nine projects that (a) add residential density over existing general plan

designations, (b) require significant general plan amendments, and (c) fail to include any affordable housing component. The majority of these projects are proposed on lands that are either within the Semi-Rural or Rural regional categories. These projects include:

- **Sweetwater Place:** The project, approved in December 2017, included a general plan amendment to change the existing land use designation from RL-80 to VR-73 on 20 acres, increasing the number of allowed units from 1 residential dwelling to 122 residential dwellings. None of the units are designated as affordable. The property is within the Village regional category.
- **Sweetwater Vistas:** The project, approved in December 2017, included a general plan amendment to remove the existing resort and office land use designations and allow development of 218 residential units on 52 acres. None of the units are designated as affordable. The property is within the Village regional category.
- **Harmony Grove Village South:** As discussed above, this Project includes a general plan amendment to redesignate the property from Semi-Rural Residential 0.5 to Village Residential 10.9 and Neighborhood Commercial, increasing the number of allowed residential units from 220 units on 111 acres to 453 units and 5,000 square feet of commercial and civic uses. None of the units are designated as affordable.
- **Valiano:** The project, slated for Board consideration in July 2018, includes a general plan amendment to redesignate the property from Semi-Rural Residential 1 and 2 to Semi-Rural Residential 0.5 and remove a portion of the site from the Elfin Forest-Harmony Grove subarea plan, thereby increasing the number of allowed residential units from 118 units on 239 acres to 326 units (380 including ADUs). None of the units are designated as affordable. The property is within the Semi-Rural regional category.
- **Otay 250:** The project, slated for Board consideration in July 2018, includes a general plan amendment to remove the existing technology park designation and allow development of up to 3,158 residential units, 78,000 square feet of commercial, and 765,000 square feet of office on 253 acres. None of the units are designated as affordable. The property is within the Village regional category.

- **Newland Sierra:** The project, slated for Board consideration in September 2018, includes a general plan amendment to change Semi-Rural 10 and Rural Land 20 designations to Village Core Mixed Use and Semi-Rural 1, thereby increasing the number of allowed residential units from 100 units on 1,985 acres to 2,135 units. The amendments also remove designations that would allow 1,000,000 square feet of office and reduce the amount of allowed commercial from 90,000 square feet to 81,000 square feet. None of the residential units are designated as affordable. The vast majority of the property is within the Rural Lands regional category, but significant portions would be redesignated to the Semi-Rural regional category.
- **Warner Ranch:** The project, slated for Board consideration in October 2018, includes a general plan amendment to redesignate a portion of the site from Rural-Lands 40 to Village Residential 2.9, increasing the number of allowed residential units from 12 units on 513 acres to 780 units. None of the residential units are designated as affordable. The property is currently within the Rural regional category, but would be redesignated to the Village regional category.
- **Lilac Hills Ranch:** The project, slated for Board consideration in October 2018, includes a general plan amendment to redesignate the site from Semi-Rural 10 and Semi-Rural 4 to Village Residential 2.9 and Village Core, increasing the number of allowed residential units from 110 units on 608 acres to 1,746 units and 90,000 square feet of commercial and office space. None of the residential units are designated as affordable. The property is currently within the Semi-Rural regional category, but would be redesignated to the Village regional category.
- **Property Specific Requests GPA:** The project, slated for Board consideration on September 12, 2018, includes revisions to land use designations for 21 separate areas (encompassing 882 parcels and 9,332 acres) in order to increase residential density, as well as other changes to a former specific plan area and to certain lot size requirements. In total, the project would add 1,826 potential dwelling units, none of which are designated as affordable. Many of the parcels are currently within the Semi-Rural or Rural regional categories.

In addition, the City of Escondido is currently considering a project that would further urbanize the County's rural landscape:

- **Safari Highlands:** The project, under review by the City of Escondido, would annex unincorporated county lands to increase the number of allowed residential units from 27 units on 1,098 acres to 550 units. None of the residential units are designated as affordable. The property is within the Rural regional category, but if annexed, would no longer be within the unincorporated area.

In total, these ten projects would add 10,729 residential units to the County's backcountry. This massive influx of housing would fundamentally alter the communities where these projects are located and the County as a whole.

C. These Projects, if Approved, Would Threaten Core Aspects of the County's General Plan.

To understand why these projects would have such a profound impact on the future viability of the County's General Plan, it is important to start with the overall vision and strategy for the County's central land use document.

In 2011, after conducting hundreds of meetings and engaging stakeholders from across the County (General Plan at 1-9 to 1-11), the Board of Supervisors adopted the current General Plan. This represented the first update since the Plan's initial adoption in 1978. The document that emerged from this effort took a balanced approach, committing in the first pages to an "environmentally sustainable approach to planning that balances the need for adequate infrastructure, housing, and economic vitality, while maintaining and preserving each unique community with the County, agricultural areas, and extensive open space." General Plan at 1-2.

The County's primary means of achieving this balance is the General Plan's adoption of a "Community Development Model." The General Plan explains:

"[I]n the County's Community Development Model, the central core is surrounded by areas of lesser intensity including "Semi-Rural" and "Rural Lands." . . . The "Village" would contain the densest neighborhoods and a broad range of commercial and civic uses that are supported by a dense network of local roads containing bicycle lanes and walkways linking the neighborhoods with parks, schools, and public areas. Outside of the "Village," "Semi-Rural" areas would contain low-density residential neighborhoods, small-scale agricultural operations, and rural commercial businesses. In turn, these would be surrounded by "Rural Lands"

characterized by very low density residential areas that contain open space, habitat, recreation, agriculture, and other uses associated with rural areas.

General Plan at 2-8. In other words, the General Plan attempts to shift away from a land use development model that encouraged dispersal of development across the County, and instead sought to focus new development into existing villages. *Id.* at 2-7 to 2-9; *see also* General Plan at 2-3 (“Our villages are intended to grow in compact land development patterns to minimize intrusion into agricultural lands and open spaces; the distance that we travel to our local services and businesses; and the need for extensive infrastructure and services; while also inducing community association, activity, and walking.”); *id.* at 3-2 (“Focusing development in and around existing unincorporated communities allows the County to maximize existing infrastructure, provides for efficient service delivery, and strengthens town center areas while preserving the landscape that helps define the unique character of the unincorporated County.”).

The Community Development Model undergirds many of the County’s identified “Guiding Principles.” For example, under Guiding Principle Number 1, the County commits to “support[ing] a reasonable share of projected regional population growth.” The General Plan notes that this principle will be implemented by “planning and facilitating in and adjacent to existing and planned villages.”

Guiding Principle Number 2 reiterates this point, noting that the County commits to “promot[ing] health and sustainability by locating new growth near existing and planned infrastructure, services, and jobs in a compact pattern of development.” The discussion notes the adverse impacts caused by haphazard, sprawl development, including greater costs for infrastructure development, greater stresses on community services, increased travel time, increased gasoline consumption, air pollution, GHG emissions, and loss of habitat. To reduce these impacts, the Plan commits to “more compact development . . . within existing and planned communities.”

Compact development focused around existing and planned communities, and retention of semi-rural and rural lands also supports Guiding Principles Number 5 (“Ensure that development accounts for physical constraints and the natural hazards of the land”) and Guiding Principles Number 7 (“Maintain environmentally sustainable communities and reduce greenhouse gas emissions that contribute to climate change”). By concentrating new development in existing communities, development is correspondingly limited in the high-risk urban-wildland interface. And compact communities support “reduced automobile use and increased use of public transit, walking, and bicycling.”

To implement the Community Development Model, the General Plan places all unincorporated land into one of three regional categories: Village, Semi-Rural, and Rural. General Plan at 3-6. These designations were based on an analysis of development constraints, including road access, water/sewer, habitat, and hazards. General Plan at 3-4. The Plan then permits Village lands to be developed at higher residential densities (i.e., more than 2 dwelling unit per acres), while significantly restricting residential development on Semi-Rural and Rural lands. See General Plan Table LU-1 (tying regional categories to land use designations and maximum densities). This scheme is intended to ensure future development patterns of compact development patterns in the villages, surrounded by much lower density rural development. The Countywide Regional Categories Map (Figure LU-1) graphically illustrates this vision, with islands of compact development surrounded by a semi-rural and rural backcountry.

Yet, the vast majority of the projects to be considered by the Board require a redesignation of the land from either Rural or Semi-Rural to Village (i.e., all projects listed above, except Sweetwater Vistas, Sweetwater Place, and Otay 250). **In other words, the Board is currently considering dense residential projects across the areas that the General Plan specifically designated for protection from such development, even though the development constraints that led to the initial designations *have not changed*.** The Community Development Model will not work, and the Guiding Principles cannot be met, if the County allows such large-scale projects outside of designated villages.

By approving these projects, the County will fundamentally undermine the internal consistency of its foundational document. A General Plan that professes commitment to the Community Development Model and the Guiding Principles discussed above cannot simultaneously contain significant and pervasive amendments to the regional categories that permit Village designations and densities at far-flung locations.

D. These Projects Are Also Inconsistent with Specific General Plan Policies.

Unsurprisingly, the County's General Plan also contains numerous individual policies intended to promote the Plan's overall vision and Guiding Principles. Approval of these projects (individually and collectively) is also inconsistent with many of the Plan's key policies.

1. LU-1.1: Assigning Land Use Designations.

The Land Use Element’s first, and indeed, overarching, goal is to “sustain the intent and integrity of the Community Development Model and the boundaries between Regional Categories.” General Plan 3-23 (Goal LU-1). This make sense, as the Community Development Model, and its separation of village and semi-rural and rural lands, is the primary mechanism relied on by the County to meet its overall vision and Guiding Principles. As such, Policy LU-1.1 directs the County to “[a]ssign land use designations on the Land Use Map in accordance with the Community Development model and boundaries established by the Regional Categories Map.

As discussed above, many of the proposed projects do not meet the community development model. Rather than concentrating the development in and around existing villages, they add high-density development in areas designated for semi-rural and rural use. The County and the developers may argue that such projects do not conflict with this Policy, as they propose amendments to the Regional Categories Map to depict these new “villages.” But this argument turns the purpose of the Regional Categories Map on its head. The County—through years of extensive planning—determined the location of existing and planned villages and how such communities should grow to accommodate growth. Simply redesignating land on a map does not create a new “village” that meets the Community Development Model, especially as the proposed developments do not include the dense commercial, retail, and job-producing cores necessary to decrease driving times and lead to vibrant communities.

2. LU-1.2 Leapfrog Development and LU-1.4 Village Expansion

In order to enforce the Community Development Model, the Land Use Element also includes Policy LU-1.2, which strictly limits the approval of leapfrog developments (i.e, Village densities located away from established Villages) and village expansions (i.e., new Village designations adjacent to existing villages). These policies makes sense: if the County were permitted to approve higher density developments outside of the designated cores, the Community Development Model would fail to live up to its promises and the County would devolve back to haphazard, sprawl development. Leapfrog development is in no way consistent with the compact, village core-focused development enshrined in the Community Development Model. And village expansions only make sense if the adjacent land can support higher density.

Yet leapfrog development is exactly what the County is proposing to do with these projects, many of which are not adjacent to or within existing village designations. While the Policy LU-1.2 does provide an exception—where the development creates a “new

village” “designed to meet the LEED-Neighborhood Development Certification or an equivalent”—these projects do not live up to that requirement. This limited exception was intended to ensure that if a new village were developed, it would perform at the same or better level as existing villages, by reducing vehicle miles traveled and air pollution, by creating community centers, and by reducing impacts on agricultural lands and habitats. But almost none of these project contain the amount of mixed-use development required to achieve these goals. For instance, the Lilac Hills Ranch project includes “neighborhood centers” that amount to little more than convenience store-sized retail facilities. These are not the types of vibrant village cores that will encourage people to walk or otherwise forgo their cars.

Likewise, while Harmony Grove Village South, Valiano, and Newland Sierra are arguably closer to existing village designations than other projects under consideration, none of these sites are appropriate for village expansions. For instance, neither Harmony Grove Village South nor Valiano are “contiguous” with existing village designations. And none of the projects are compatible with existing constraints, especially given the high fire risk at Newland Sierra and HGVS.

3. LU-1.3 Development Patterns.

Policy LU-1.3 supports the General Plan’s overarching goal in a different way, by requiring land use designations to “preserve surrounding rural lands.” Yet, the proposed projects are all located on the rural lands that are intended to be protected from development. A proposed project cannot both be located on rural lands and preserve rural lands at the same time.

4. LU-2.5 Greenbelts to Define Communities and LU-10.3 Village Boundaries.

Central to the Community Development Model is the idea that villages serve as nodes or hubs of development, while rural lands form concentric circles of decreasing density around the villages. To delineate the differences between these two areas, Policy LU-2.5 requires the County to “maintain greenbelts between communities to reinforce the identity of individual communities.” Likewise, Policy LU-10.3 requires the County to “[u]se Semi-Rural and Rural land use designations to define the boundaries between Villages and Rural Land Use designations to serve as buffers between communities.”

However, rather than maintaining the County’s semi-rural and rural lands as greenbelts or buffers, many of the projects serve to blur the distinction between existing communities. For example, the Harmony Grove Village South Project, while closer to an

existing village than some other projects, is still *outside* the village boundary and *across the greenbelt* from the existing village. So instead of maintaining the existing greenbelt well established in the General Plan, the project would effectively eradicate it. Likewise, Valiano is part of the northern buffer of Harmony Grove. If built, the project would effectively preclude adequate buffering between communities.

5. LU-5.1 Reduction of Vehicle Trips within Communities and LU-5.3 Rural Land Preservation.

One of the key benefits of the Community Development Model is its ability to reduce climate change impacts. *See, e.g.,* General Plan at 2-9 (“Developing the County’s communities more compactly meets critical objectives with the mandates of AB 32, the *California Global Warming Solutions Act of 2006*.”). Thus, the Land Use Element requires increasing residential densities within Villages to support multi-modal transportation (Policy LU-5.1) and preserving existing open space and rural areas in rural and semi-rural areas (Policy LU-5.3). Yet the proposed projects take the County in the opposite direction, by funneling growth into suburban development that destroys existing open space and will fail to support multi-modal transportation.

6. LU-6.10 Protection from Hazards, LU.6-11 Protection from Wildfires and Unmitigable Hazards and S-1.1 Minimize Exposure to Hazards

As noted above, the Semi-Rural and Rural regional categories were assigned to areas that face significant development constraints, including hazards and accessibility to emergency services (General Plan at 3-4 to 3-5). The Land Use Element reinforces these assignments, requiring the County to assign land uses and densities and to locate development to protect against the risks of natural and man-induced hazards, including extreme, very high, and high fire threat areas. *See* General Plan Policies LU.6-10 and LU.6-11. Likewise, the Safety Element requires the County to minimize the population exposed to hazards by “assigning land use designations and density allowances that reflect site specific constraints and hazards.” Policy S.1-1.

Yet, many of the proposed projects would introduce significant residential density areas into these hazardous areas, rather than concentrating development in the village areas where residents are more easily protected. For example, the Lilac Hills Ranch project is very close to the 2017 Lilac Fire, which burned over 4,100 acres, destroyed 157 structures, and caused over \$5 million in firefighting costs and property damage. Likewise, the Newlands Sierra Project and the Harmony Grove Village South Project

propose to bring thousands of new residents to sites with steep topography and a Very High Fire Severity designation.

7. H-1.9 Affordable Housing through General Plan Amendments.

One other major goal of the General Plan is to create a housing stock at a range of prices (Goal H-1), especially in order to meet the County's Regional Housing Needs Assessment allocations for lower income households. The Housing Element recognizes that one of the most promising mechanisms for achieving this goal is by requiring large-scale residential developers, particularly those who stand to handsomely profit on securing General Plan amendments to entitle semi-rural and rural lands, to provide affordable housing. For this reason, Policy H-1.9 "[r]equires developers to provide an affordable housing component when requesting a General Plan amendment for a large-scale residential project when this is legally permissible."

Yet, as noted above, *none* of these large-scale residential projects, all of which require significant General Plan amendments, contain any affordable housing component. This renders each project, including the Harmony Grove Village South Project, inadequate under State Planning and Zoning Law, which requires compliance with all General Plan policies that are "fundamental, mandatory, and specific." *Families Unafraid to Uphold Rural etc. County v. Board of Supervisors* (1998) 62 Cal.App.4th 1332, 1342; *Spring Valley Lake Assn v. City of Victorville* (2016) 248 Cal.App.4th 91, 100-101. But more fundamentally, it represents a significant missed opportunity for the County and its residents. The Board of Supervisors, in 2011, recognized that one of the only ways to assure affordable housing development was to require its inclusion in projects requiring General Plan amendments. Yet in the year when the County is considering the largest suite of such projects since the General Plan was developed, the County has taken the indefensible position that it need not impose *any* such requirements until it develops an affordable housing policy at some undetermined point in the future. *See, e.g.,* Newland Sierra Draft EIR, Appendix DD at DD-66 ("[t]he County does not presently have or enforce a requirement that projects include an affordable housing component when proposing a General Plan Amendment.").

This position is inconsistent with the plain language of the General Plan. There is no wiggle room in Policy H-1.9 based on timing or development of a future policy, especially as the County has now had nearly *seven years* to develop an affordable housing program but has failed to do so. The County must either begin imposing conditions on a case-by-case basis, as permitted under existing law (*see Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854), or suspend further consideration of these projects until a comprehensive policy can be developed. The County cannot simply delay and

delay development of a program while the County assesses a once-in-a-decade opportunity to secure affordable housing in conjunction with nine General Plan amendments.²

If the County were to follow the lead of these other counties and adopt a 20 percent inclusionary housing ordinance, the County could secure over 2,000 *affordable housing units* in conjunction with the proposed General Plan amendments, without further County support or involvement. In a single year, this would represent a nearly two-fold increase over the 1,085 very low, low, and moderate income units secured since 2010. For policy reasons alone, the County must require inclusion of affordable units in all of these proposed projects, including Harmony Grove Village South.

E. These Haphazard, Developer-Driven Amendments to the General Plan Are Ill-Conceived and Unnecessary to Accommodate Additional Growth.

Many of the proposed projects have come to the Board of Supervisors as supposed “solutions” to the high housing costs that plague San Diego County and much of the state. Developers have tried to convince the Board that the only means of solving this issue is to allow them to build their projects on the semi-rural and rural lands they acquired in the hopes of entitling to make a large profit.

But this argument is both erroneous and harmful. The County has already determined that development consistent with the *existing* land use designations in the General Plan can easily accommodate the 22,412 residential units assigned to the County under the Regional Housing Needs Assessment. General Plan at 6-2. The County should

² In recent years, the courts have made abundantly clear that local governments have the legal authority to impose affordable housing requirements on new development. *California Building Industry Assn. v. City of San Jose* (2015) 61 Cal.4th 435, 463). Indeed, numerous other counties have already developed inclusionary housing ordinances. *See, e.g.*, Los Angeles County (currently considering adoption of an inclusionary zoning ordinance, which would apply to both for-sale and rental housing); San Mateo County (policy requires 20% of both for-sale and rental units to be affordable); Santa Barbara County (policy requires up to 15% of projects to be affordable); Monterey County (policy requires 20% of rental and for-sale projects to be affordable); San Luis Obispo County (policy requires between 4% and 20% of rental and for-sale projects to be affordable).

focus its efforts on removing impediments to developing these lands, rather than funneling growth into semi-rural and rural areas.

The consequences of departing from the existing General Plan would be disastrous. The County adopted a General Plan that balances the need for growth with the need to protect open spaces, agriculture, and habitat and to keep new residents out of harm's way. As described above, the suite of projects before the County fundamentally undermines the validity of this model, tipping the carefully calibrated balance developed in the General Plan back toward haphazard, sprawl development and placing thousands of residents at risk of entrapment in the next wildfires.

F. The County Has Not Adequately Analyzed the Cumulative Environmental Impacts From Its Proposed Development Projects.

An EIR must discuss significant “cumulative impacts.” CEQA Guidelines § 15130(a). A legally adequate cumulative impacts analysis views a particular project over time and in conjunction with other related past, present, and reasonably foreseeable future projects whose impacts might compound or interrelate with those of the project at hand. CEQA Guidelines § 15355(b). Cumulative impacts analysis is necessary because “environmental damage often occurs incrementally from a variety of small sources [that] appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact.” *Communities for a Better Environment v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 114, overruled on other grounds.

A thorough cumulative impacts analysis is especially important under the current circumstances, where the County is considering numerous large development projects, many of which are far removed from urban areas. These include, for example, Harmony Grove Village South, Lilac Hills Ranch, Newland Sierra, Otay Ranch 250, Otay Ranch Village 13, Otay Ranch Village 14 and Planning Areas 16 & 19 (hereinafter “Otay Village 14”), Warner Ranch, Valiano and a series of comparatively smaller projects referred to as Property Specific Requests or PSRs. In addition to these projects located within the unincorporated area of the County, the city of Escondido is proposing the Safari Highlands Project while the city of Santee is contemplating a very large project known as Fanita Ranch. These projects (hereinafter referred to as the “Cumulative Projects”) would result in more than 10,000 additional housing units within the County's wildlands and other open space. As discussed above, this development was not contemplated by the County when it updated the General Plan in 2011.

With the exception of the Fanita Ranch project, separate EIRs have been prepared for each of the Cumulative Projects.³ The cumulative impact analyses included in these EIRs, however, are cursory and incomplete and do not come close to meeting CEQA's clear legal standard. The EIRs, including the EIR for the Harmony Grove Village South, conduct the first step of the analysis—identification of approved and pending projects in the County—but they fail entirely to conduct the second step of analyzing the combined effects of these anticipated projects.

1. The EIRs Provide an Incomplete and Inconsistent List of Cumulative Projects.

Each of the EIRs for the Cumulative Projects identifies varying numbers of land use projects that were included in their respective cumulative impact analyses. Some of the EIRs omit some of the Cumulative Projects. For example, the Newland Sierra Project EIR purports to have evaluated the environmental impacts from 199 projects but omits consideration of the three projects that the County is currently considering in Otay (Otay 250, Otay Village 13, and Otay Village 14). *See* Newland Sierra EIR Table 1-10. The Warner Ranch EIR purports to have evaluated impacts from 99 projects (*see* Warner Ranch EIR Table 1-5), but, other than Newland Sierra and Lilac Hills Ranch, it does not consider the cumulative impacts from the other Cumulative Projects (i.e., Harmony Grove Village South, Otay Ranch 250, Otay Village 13, Otay Village 14, Warner Ranch, Valiano, the PSRs, Safari Highlands, and Fanita Ranch are excluded from the cumulative impact analysis). The Otay Village 14 EIR identifies just 21 projects in its list of cumulative projects and excludes Lilac Hills Ranch, Newland Sierra, Harmony Grove Village South, Warner Ranch, Otay 250, and Valiano. *See* Otay Village 14 EIR Table 1-7 and Figure 1-16.

All of the EIRs for the Cumulative Projects were prepared within the last few years and the Board of Supervisors is planning to vote on nearly all of the cumulative projects this year. There is no logical explanation as to why these EIRs do not consider the same list of cumulative projects, especially for regional impacts such as air quality, wildfire-related impacts, energy, climate change, and water supply. Nonetheless, it is clear that neither the Harmony Grove Village South EIR nor any of the other EIRs for the Cumulative Projects contains a consistent and comprehensive list of cumulative projects.

³ The EIR for Fanita Ranch has not yet been prepared.

2. The Cumulative Projects Will Have Significant Cumulative Impacts Related to Inconsistencies with San Diego's Air Quality Plan.

The San Diego Air Pollution Control District ("SDAPCD") relies on the Regional Air Quality Strategy ("RAQS") to demonstrate how the region will comply with the federal and state ozone standards. *See e.g.*, Newland Sierra EIR at 2.3-8; *see also* Harmony Grove DFEIR at 2.6-5. Specifically, the RAQS details how the region will manage and reduce ozone precursors ("NOx") and volatile organic compounds ("VOCs") by identifying measures and regulations intended to reduce these contaminants. *Id.* Each of the EIRs for the Cumulative Projects uses the RAQS as a threshold of significance for determining a project's potential air quality impacts.

The RAQS' emission inventories and projections are based on SANDAG's growth projections which, in turn, are based on population, vehicle trends, and land use plans developed by the cities and San Diego County as part of the development of their general plans and general plan land use designations. *See* Newland Sierra FEIR at 2.3-8; *see also* Lilac Hill's EIR at 2.2-8. Consistency with the RAQS is therefore determined by comparing the emissions forecasts from a project's land uses with emission forecasts based on the land uses for the area included in the RAQS. A project that involves development that is consistent with the growth anticipated by local plans would be consistent with the RAQS. *See e.g.*, Newland Sierra FEIR at 2.3-28. However, if a project involves development that is greater than that anticipated in SANDAG's growth projections, the project would potentially be in conflict with the RAQS and may contribute to a potentially significant cumulative impact on air quality. *Id.*

The EIRs for seven of the Cumulative Projects determined that the projects are inconsistent with the RAQS because they would result in more intense land uses and contribute to local population growth, employment growth, and associated increases in vehicle miles traveled (VMT) that is not accounted for in the County's General Plan. These are: (1) GPA PSR (*see* GPA PSR FDSEIR at 2.3-11; 2.3-20); (2) Lilac Hills (*see* Lilac Hills EIR at 2.2-8); (3) Newland Sierra (*see* Newland Sierra FEIR at 2.3-29); (4) Harmony Grove Village South Project (*see* Harmony Grove FEIR at 2.6-17); (5) Warner Ranch (*see* Warner Ranch DEIR at 2.2-32); (6) Safari Highlands (*see* Safari Highlands DEIR at 2.2-15); and (7) Valiano (*see* Valiano FEIR at 2.2-28).

These seven projects were also determined to result in a cumulatively considerable net increase in emissions of criteria pollutants and would therefore be in conflict with the RAQS. *See* GPA PSR FDSEIR at 2.3-20; Lilac Hills EIR at 2.2-8; Newland Sierra FEIR at 2.3-65; Harmony Grove Village South Project Draft Final EIR at 2.6-17; Warner

Ranch DEIR at 2.2-30); Safari Highlands DEIR at 3.0-17; and Valiano FEIR at 2.2-28. Yet, rather than study the environmental implications of this inconsistency, the County takes the legally impermissible easy route: it simply assert that the projects would be in conflict with the RAQS and labels impacts as significant and unavoidable. None of the EIRs offer any information on the nature or scope of the problem. Nor do any of the EIRs make any attempt to quantify the cumulative increase in air pollutant emissions that would result from all of the Projects.

CEQA does not allow an agency to simply conclude that an impact is significant and unavoidable and move on. An agency's rote acknowledgement that impacts are "significant" does not cure its EIR's failure to analyze the issue. As the court stated in *Galante Vineyards v. Monterey Peninsula Water Management District*, "this acknowledgment is inadequate. 'An EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences.'" (1997) 60 Cal.App.4th 1109, 1123 (quoting *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 831); see also *Mira Monte Homeowners Assn. v. County of Ventura* (1985) 165 Cal.App.3d 357, 365 (an EIR is meant to protect "the right of the public to be informed in such a way that it can intelligently weigh the environmental consequences of a[] contemplated action"). Here, the County must actually *analyze* the implications of this unplanned growth on the region's ability to attain the federal and state ozone standards. In other words, the public must receive information that allows it to understand just how far these projects would set the region off course from achieving its air quality goals.

A calculation of ozone precursor emissions VOC and NO_x reveals that the *cumulative* increase in emissions would be substantial. For example, as Table 3 shows, the VOC emissions from just ten of the Cumulative Projects would generate 1,783 pounds of VOC emissions every day. This amount of VOC emissions exceeds the SDAPCD emissions thresholds by almost 2,300 percent. These ten projects would generate 714 pounds per day of NO_x emissions, an amount that exceeds the SDAPCD threshold by about 850 percent.

Table 3: VOC and NOx (Ozone Precursor) Operational Emissions (pounds per day)

Project	VOC	NOx
Safari Highlands ⁴	65.77	51.79
Harmony Grove ⁵	32	32
Lilac Hill's	NA	NA
Newland Sierra ⁶	122.88	207.03
Otay 250 ⁷	211.08	155.89
Otay Village 13 ⁸	192	118.43
Otay Village 14 ⁹	124.93	113.77
Warner Ranch ¹⁰	1,254.42	64.46
PSR GPA ¹¹	127	176
Valiano ¹²	33	36
TOTAL	1,782.92	713.81
SDAPCD Thresholds of Significance ¹³	75	75
Percent increase over SDAPCD Thresholds	2,277%	852 %

⁴ Safari Highlands DEIR at 2.2-19.

⁵ Harmony Grove DFEIR at 2.6-23.

⁶ Newland Sierra FEIR at 2.3-75.

⁷ Otay 250 DEIR at 2.1-33.

⁸ Otay Village 13 DSEIR at 2.2-27.

⁹ Otay Village 14 DEIR at 2.3-58; 2.3-59.

¹⁰ Warner Ranch DEIR at 2.2-36.

¹¹ PSR GPA DFSEIR at 2.3-37.

¹² Valiano FEIR at 2.2-38.

¹³ PSR GPA DFSEIR at 2.3-11.

Again, there are hundreds of other projects currently contemplated by the County that will also generate VOC and NO_x emissions. This cumulative increase in VOC and NO_x emissions would clearly delay the RAQS goals for achieving the state and federal ozone standards. Yet, until the County conducts the necessary analysis of these cumulative and substantial air quality impacts, the public and decisionmakers are left in the dark as to the severity of these impacts.

The EIRs for the Cumulative Projects also fail to identify effective mitigation for the Cumulative Projects' inconsistencies with the RAQS. The documents merely call for amending SANDAG's growth forecasts and the RAQS to include the air pollutant emissions from the development projects. *See e.g.*, Lilac Hills DEIR at 2.2-9; 2.2-26; Newland Sierra FEIR at 2.3-65; Valiano FEIR 2.2-28. But simply amending planning documents does not provide real world mitigation for the air quality impacts of the Cumulative Projects, either individually or collectively. The County must disclose and mitigate the significant effect that the totality of this unplanned growth will have on the region's air quality.

3. The Cumulative Projects Will Have Significant Cumulative Impacts Related to Wildfire-Related Risks.

As the catastrophic 2017 fires across California demonstrated, wildfires dramatically alter the state's environment, pose a tremendous risk of injury and death, and cause billions of dollars of damage to buildings and infrastructure. Further, the threat of wildfire is increasing. In the coming decades, climate change will alter temperatures, winds, precipitation, and species, with potentially substantial fire hazard impacts. *See* Attachment 6 at 4-5: Dr. J. Zicherman, Berkeley Engineering and Research Inc., December 20, 2017 (Wildland Fire Report prepared in connection with the Safari Highlands Ranch EIR).

Just as the Harmony Grove Village South Project will have significant individual wildfire impacts, the wildfire hazards that the Cumulative Projects will cause cannot be overstated. A substantial amount of land within San Diego County is located within Very High or High Fire Hazard Severity Zones. Most, if not all, of the Cumulative Projects will be located within these hazardous wildfire zones. To make matters worse, wildfire threats are no longer seasonal. Historically, fire season in San Diego occurred during the fall, when the Santa Ana winds come charging through the brush fueling wildfires. But now, according to a retired fire chief, "*San Diegans are experiencing fire season year-round.*" *See* Attachment 7 (New York Times Article, "Record Heat in Southern California, and an Ominous Start to Wildfire Season," July 7, 2018, quoting retired fire chief George Lucia, emphasis added). Statewide, the 2018 California wildfire season is

off to its worst start in the last 10 years. Last year at this time, only 68,647 acres had burned while 196,092 acres have burned so far this year. See Attachment 8 (“Why California’s fire season is off to the worst start in 10 years,” San Jose Mercury News, July 10, 2018).

Development in the wildland urban interface, like the proposed Cumulative Projects, significantly exacerbates the human health and environmental damage wrought by wildfires. In addition to unwisely placing people and structures directly in the line of fires, this development can dramatically increase ignition risks compared to existing undeveloped conditions. As wildfire scientist Chris Lautenberger explains, most wildland fires are caused by humans as opposed to natural causes such as lightning. See Attachment 9 (Dr. C. Lautenberger, REAX Engineering, April 12, 2018, Wildland Fire Report prepared in connection with the Otay Ranch Village 14 Project). Common anthropogenic causes of fire include arson/incendiary, equipment use, debris burning, smoking, vehicles, fireworks, electricity, and outdoor cooking (grilling). *Id.* Additionally, structure fires sometimes spread and initiate wildland fires.

Myriad scientific studies confirm Dr. Lautenberger’s findings. Developing housing in locations in California that currently have low or no density, as is the case here, dramatically increases the number of fires and the amount of area burned. See Attachment 10, *Fire history of the San Francisco East Bay region and implications for landscape patterns*, J. Keeley, International Journal of Wildland Fire, 14:285–296, 2005 ; Attachment 11, *Land Use Planning and Wildfire: Development Policies Influence Future Probability of Housing Loss*, Syphard AD, Bar Massada A, Butsic V, Keeley JE, 2013; Attachment 12, *Human Influence on California Fire Regimes*, Syphard, A. D., V. C. Radeloff, J. E. Keeley, T. J. Hawbaker, M. K. Clayton, S. I. Stewart, and R. B. Hammer, Ecological Application 17:1388–1402, 2007 (stating that ninety-five percent of California’s fires are caused by human activity).

The resulting human health and environmental consequences are numerous and devastating. The most obvious is the direct loss of life and property caused by the fires themselves. The ignition of a wildfire may occur with little or no notice and certain evacuation response operations are simply not feasible. In the October 2017 deadly Tubbs fire in Santa Rosa, “efforts to warn residents of approaching flames were successful only 50% of the time. The entire warning system was fraught with multiple levels of malfunction and incompleteness.” See Attachment 4.

Moreover 2017’s severe fires make clear that wildfires pose safety threats for those trying to escape a fire. Attempting to evacuate from wind-driven fires can be

treacherous if not fatal. As this news video¹⁴ shows, during Santa Ana wind conditions, a fire—or more often multiple fires—can start and grow at an explosive rate leaving residents with little or no time to evacuate. Roads obscured by smoke (or actually blocked by flames) coupled with the emotional state of drivers can make evacuation all but impossible. People become trapped in their cars attempting to flee. As one retired fire captain explains,

As I maneuvered on foot up the freeway, I felt as if I was a kid in a fast-paced game of dodgeball, but instead of dodging a ball, I was outmaneuvering burning cars, blowing debris, and racing acrid black smoke—I knew this was no childhood game. I hustled up the southbound lanes of traffic, up a steep grade, and found all three agencies trying to put out burning vehicles. Cars had stopped suddenly on the freeway in blinding smoke as the fire overtook their position, causing a traffic jam. This near deadly bottleneck of vehicles blocked other drivers from escaping the flames in their cars, so they had to abandon them and leave on foot, regardless of how they were dressed and what they had in their hands. There was no time for clear rational decision making; it was a time for flight on foot in an effort to find safety on the freeway in the middle of a firestorm.

See Attachment 13, *Caught in the Firestorm*, Fire Rescue Magazine, February 1, 2016.

Wildfires also devastate critical habitat for endangered or sensitive species. For instance, San Diego County wildfires in 2003 and 2007 caused a dramatic loss of coastal sage scrub and chaparral habitats in the County. See Attachment 14, *The Response and Recovery of Animals and Plants to the 2003 and 2007 San Diego County Wildfires*, USGS Western Ecological Research Center.

And wildfires' harm reaches well beyond a fire's immediate burn area. Among the myriad economic, social, and environmental harms, severe air quality degradation is among the most far-reaching. Wildfire's ability to create hazardous air conditions has been well documented for decades. Wildfire smoke can quickly deteriorate air quality to "very unhealthy" and "hazardous" levels measured by the EPA's Air Quality Index. See Attachment 15, *Wildfires and Air Pollution: the Hidden Health Hazards of Climate Change*, A. Kenward, D. Adams-Smith, and U. Raja, Climate Central (2013) at 13. In

¹⁴ <https://www.youtube.com/watch?v=lvcmy07zRIo>

fact, according to the US EPA, wild land fires now account for 40% of the PM that is emitted nationwide each year. *The Danger of Wildland Fire Smoke to Public Health*, EPA (2018).¹⁵ And ample public health data has documented the health impacts from wildfire smoke. For instance, during heavy fire periods in San Diego County, hospital visits for difficulty breathing and asthma have spiked by 50% to 100%. See Attachment 16, *Monitoring Health Effects of Wildfires Using the BioSense System, San Diego County, California, October 2007*, CDC Morbidity and Mortality Weekly Report 57:1741-44.

In light of these facts, one would expect the County to have comprehensively analyzed the cumulative risk of wildfire-related impacts from the Cumulative Projects. This analysis would evaluate the increase in the risk of wildfires due to human ignitions and the resulting harm to lives, property, and the environment from these wildfires. Indeed, the EIRs must consider the cumulative fire risk from the projects because wildfires are influenced by weather patterns that can lead to multiple fires igniting at the same time. See Attachment 17, (New York Times Article, “Wildfire Threats in Ventura and San Diego Counties,” Dec. 7, 2017.)

Yet the EIRs for the Cumulative Projects, including the Harmony Grove Village South EIR, provide no such analysis. For instance, none of the EIRs for the Cumulative Projects disclose in any meaningful way the threat to individuals’ public safety as they attempt to evacuate, especially during a wind-driven fire. Generally the EIRs describe vague emergency response plans that provides goals, objectives and actions for emergency response agencies, such as “focusing on early evacuation” and even “sheltering in place.” Harmony Grove Village South Project FEIR at 3.1.3-14 and 3.1.3-22. Moreover, the EIRs appear to assume, without substantial evidence in support, that a fire will initially occur at some distance from a project site and that residents will have ample time to evacuate.

The EIRs also consistently assert that each development project would not contribute to a cumulative wildfire risk because it would convert existing “fuels” into developed land with fuel modification areas and would construct “ignition resistant” structures. See, e.g., Harmony Grove Village South Final EIR at 3.1.3-28; *see also* Lilac Hills DFEIR at 2.7-43 (stating, “Generally, when a project is constructed it results in the removal of available flammable fuels for wildfire to consume and breaks up fuel

¹⁵ available at <https://www.epa.gov/sciencematters/danger-wildland-fire-smoke-public-health>.

continuity. This effectively gives fire suppression resources an opportunity to contain and control a wildfire.”); Newland Sierra FEIR at 2.8-32).

Some of the EIRs go so far as to claim that these project features (fuel modification zones and “ignition-resistant” structures) would actually *improve* fire safety in the area and for adjacent downwind communities by converting fuels into developed land. See, e.g., Otay Ranch Village 14 DEIR Appendix 3.1.1-2 (Fire Prevention Plan) at 41; see also Harmony Grove Village South FEIR at 3.1.3-22. These claims—that projects developed in locations known to have the highest wildland fire risk in California would improve fire safety—are unsupported by any evidence and, in fact, are belied by scientific studies that show that new development dramatically increase the likelihood of wildfire ignition. It is fatuous to suggest that disturbing a sizable open space parcel and adding homes and a range of non-native vegetation will in some way be more fire safe than leaving the area undisturbed. See Attachment 6 at 5 (Zicherman Report). In his report on the Safari Highlands Project, fire scientist Dr. Zicherman explains,

From a risk perspective there is a 100% probability that a wind driven wildfire will affect the project, particularly one originating outside of the project boundaries where conditions are not under the control of the project developer. Such fires can develop in existing wildland not subject to fuel modification practices which have demonstrably affected earlier fires in the area. No manner of fuel modification at the project site can be expected to impact these adjoining unmodified areas which include terrain that will foreseeably impact the project site.

Id. at 26-27 (Zicherman Report).

Dr. Lautenberger confirms Dr. Zicherman’s conclusion. He explains that given the complex, steep terrain vegetated by chaparral and coastal scrub in many areas of the County, a fire ignited during Santa Ana winds could easily spread at rates of several miles per hour and would be largely unimpeded by fuel modification zones, irrigated areas, etc.” See Attachment 9 at 11 (Lautenberger). In short, a project built in a location known to have extreme wildfire risk cannot compensate for this hazard simply through a “fire-resistant” design. The only way to protect human life and structures is to ***not build*** in these locations in the first place. Wildfires and the devastation they inflict will only worsen if the County continues to allow unplanned growth in high fire hazard zones.

The County must disclose the potential for increased wildfires due to the potential for increased ignitions from the Cumulative Projects and evaluate the increased risk to lives and property from these fires. Only when this analysis is undertaken will the public and decisionmakers be apprised of the real-world implications of developing numerous new residential communities in the urban-wildland interface.

4. The Cumulative Projects Will Have Significant Cumulative Impacts on Transportation-related Energy Consumption.

CEQA requires that agencies analyze and mitigate energy impacts. Public Resources Code section 21100(b)(3), CEQA Guidelines, Appendix F and sections 15126.4(a)(1)(C) and (c). As stated in Appendix F, “[i]n order to ensure that energy implications are considered in project decisions,” an EIR must discuss “the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy.” Appendix F, § I. In *Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 Cal.App.4th 256, the court held that a city’s EIR for a proposed Costco retail store and gas station did not comply with CEQA, because the EIR failed to properly identify and analyze the potentially significant energy impacts of the project. *Ukiah Citizens* relies heavily on *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173 (CCEC). In *Ukiah Citizens*, as in *CCEC*, the city’s EIR concluded that the proposed project would generate thousands of new vehicle trips but failed to calculate the energy impacts of those trips.¹⁶

Gasoline and diesel fuel are nonrenewable energy products derived from crude oil. Petroleum accounts for approximately 92 percent of California’s transportation energy sources. Newland Sierra DEIR at 3.1-5. Passenger cars and light-duty trucks are by far the largest consumers of transportation fuel in San Diego County, accounting for approximately 1.6 billion gallons of gasoline and diesel fuel per year. Harmony Grove Village South Project DEIR, Energy Chapter, at 3.1.1-8.

Without changes in policy or behavior, on-road consumption of petroleum-based fuels is expected to increase considerably by 2020 and through 2030. *Id.* To this end, the San Diego County General Plan contains goals and policies relevant to energy conservation. In particular, Community Goal #4: Transportation and Land Use calls for reducing petroleum demand through reduced vehicle demand and VMT and by encouraging deployment of alternative fuel vehicles.

¹⁶ Energy is used for transportation in the form of fuel for vehicular trips. Harmony Grove Village South Project DEIR Energy Chapter at 3.1.1-17.

Far from reducing vehicular demand and travel, each of the Cumulative Projects would result in a massive increase in VMT and, thus, energy consumption. The vast majority of these Projects would be far removed from jobs causing longer than average driving distances. See Attachment 18, San Diego Forward: The Regional Plan, Appendix J (Regional Growth Forecast) at 4 (identifying the locations of San Diego's largest employment centers). Because there is little or no viable public transit in remote locations of the County, residents would have to use their cars for the vast majority of trips. Notwithstanding the tremendous increase in VMT that would accompany each of the Cumulative Projects, the EIRs routinely assert that the Projects would not result in a wasteful, inefficient, or unnecessary consumption of energy.

Compounding matters, none of the EIRs make *any* attempt to quantify the increase in VMT or transportation-related energy consumption on a cumulative basis. We calculated the increase in VMT and transportation-related energy consumption from just four of the Cumulative Projects and the results were startling. As Table 1 shows, these four projects alone would cause VMT to increase by 644,739 miles *every day*, or over 235 million new VMT per year. The increase in energy consumption from this increased travel would be more than seven million gallons of gasoline every year.

As these calculations makes apparent, the Cumulative Projects would result in a wasteful, and unnecessary consumption of energy because all of this development constitutes unplanned growth in remote locations throughout the County. Rather than approving this sprawl development, the County should limit development to that which is consistent with its existing General Plan, which was designed to promote development near or adjacent to urbanized areas and thereby reduce wasteful energy consumption.

In sum, the County's failure to analyze the cumulative increase in transportation-related energy demand violates CEQA. The County must analyze these impacts. It must also consider mitigation measures or alternatives to these projects that would avoid or reduce inefficient, wasteful and unnecessary consumption of energy." Appendix F, § I.

Table 1: Project Specific and Cumulative Energy Impacts

Project	VTM	Energy Consumption From Automobiles and Trucks	Project-specific Significance Determination	Errors in EIR's Approach to Cumulative Impact Analysis re Transportation-Related Energy Consumption
Harmony Grove Village South Project	31,507 VTM per day ¹⁷	1,832 gallons of gasoline per day. ¹⁸	Less than significant. ¹⁹	Does not quantify. EIR references County programs and policies and SDG&E initiatives that will purportedly reduce total energy demand, but provides no substantial evidence to support "less than significant" finding. ²⁰
Lilac Hills Ranch	No data	No data	Less than significant ²¹	No analysis of cumulative energy impacts.
Newland Sierra	262,081 VTM per day. ²²	11,792 gallons of gasoline per day. ²³	Less than significant. ²⁴	Less than significant. Does not quantify. It asserts that the design of the Project would reduce VTM. ²⁵

¹⁷ The Project would result in 11.5 million VTM annually which equates to approximately 31,507 VTM per day. Harmony Grove Village South Project DEIR Energy Chapter at 3.1.1-17.

¹⁸ One gallon of gasoline is equivalent to approximately 125,000 BTU, respectively, taking into account energy consumed in the refining process. Valiano Project FEIR at 3.1.2-1. The total estimated direct annual energy consumption from the Harmony Grove Village South Project-related automobile and truck use would be approximately 83.6 billion BTU per year at buildout. This equates to 668,800 gallons of gasoline per year or 1,832 gallons of gasoline per day. Harmony Grove Village South FEIR at 3.1.1-17 Harmony Grove Village South Project DEIR Energy Chapter at 3.1.1-17.

¹⁹ Harmony Grove Village South Project DEIR Energy Chapter at 3.1.1-18.

²⁰ Harmony Grove Village South Project DEIR energy Chapter at 3.1.1-19.

²¹ Lilac Hills Draft Final EIR Energy Chapter at 3.1.8-8.

²² Newland Sierra FEIR at 3.1-16.

²³ Newland Sierra FEIR at 3.1-24.

²⁴ Newland Sierra FEIR at 3.1-17.

²⁵ Newland Sierra FEIR at 3.1-19.

Otay Ranch Village 13	186,301 VMT per day. ²⁶	No data	Less than significant	No analysis of cumulative energy impacts.
Otay Ranch Village 14	138,275 VMT per day. ²⁷	4,707 gallons of gasoline per day. ²⁸	Less than significant. ²⁹	Less than significant. Does not quantify. It references federal and state regulations that will reduce transportation fuel demand. ³⁰
Valiano	26,575 VMT per day. ³¹	1,556 gallons of gasoline per day). ³²	Less than significant. ³³	Less than significant. Does not quantify. It states that County programs and policies and SDG&E initiatives would serve to reduce total energy demand among cumulative projects. ³⁴
TOTAL	644,739 VMT/day or 235,329,735 VMT/ year	19,887 gallons/day or 7,258,755 gallons of gasoline/year.		

5. The Cumulative Projects Will Have Significant Cumulative Climate Change Impacts.

Analysis of greenhouse gas (“GHG”) emissions is particularly important with regard to climate change because we have already exceeded the capacity of the

²⁶ The Project would result in 68,000,000 million VMT per year which equates to approximately 186,301 VMT per year. Otay Ranch Village 13 DEIR at 3.9-7.

²⁷ The Project would result in 50,470,265 VMT per year which equates to approximately 138,275 VMT per day. Otay Ranch Village 14 and Planning Areas 16/19 EIR at 3.1.9-19.

²⁸ Otay Ranch Village 14 DEIR at 3.1.9-27.

²⁹ The Project would result in the consumption of 1,718,084 gallons of gasoline per year which equates to 4,707 gallons per day. Otay Ranch Village 14 DEIR at 3.1.9-23.

³⁰ Otay Ranch Village 14 DEIR at 3.1.9-23.

³¹ The Project would result in 9,700,000 VMT per year which equates to 26,575 VMT per day. Valiano Project FEIR at 3.1.2-18.

³² The Project would result in the consumption of 71 billion BTU per year which equates to 568,000 gallons of gasoline per year which equates to 1,556 gallons of gasoline per day. Valiano Project FEIR at 3.1.2-25.

³³ Valiano Project FEIR at 3.1.2-20.

³⁴ Valiano Project FEIR at 3.1.2-20.

atmosphere to absorb additional GHG emissions without risking catastrophic and irreversible consequences. Therefore, even seemingly small additions of GHG emissions into the atmosphere must be considered cumulatively considerable. *See Communities for Better Environment v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 120 (“the greater the existing environmental problems are, the lower the threshold for treating a project’s contribution to cumulative impacts as significant”); *see also Center for Biological Diversity v. National Highway Traffic Safety Admin.* (9th Cir. 2007) 508 F.3d 508, 550 (“we cannot afford to ignore even modest contributions to global warming”).

The transportation sector is one of the largest contributors to anthropogenic GHG emissions in the U.S., accounting for 28 percent of total U.S. GHG emissions in 2016.³⁵ As discussed above, largely because they would be developed in remote locations throughout the County, the Cumulative Projects would result in a substantial increase in VMT and, as a result, in GHG emissions.

None of the EIRs for the Cumulative Projects’ quantify the cumulative increase in GHG emissions across these projects or other recently approved or reasonably foreseeable projects. A quick calculation of GHG emissions from the Cumulative Projects alone reveals that the increase would be substantial. As Table 2 shows, just five of the Cumulative Projects would generate 74,594 MT CO₂e during construction while operation of the Projects would generate another 150,451 MT CO₂e every year. This increase in GHG emissions does not include the emissions generated by the myriad other projects awaiting approval by the County.

Table 2: Cumulative Climate Change Impacts and Proposed Use of Offsets

	GHG- construction and vegetation removal(before mitigation)	GHG- operation (before mitigation)	Proposed use of offsets
Harmony Grove Village South	4,411 MT CO ₂ e/year ³⁶	5,222 MT CO ₂ e/year ³⁷	yes ³⁸

³⁵ Fast Fact on Transportation Greenhouse Gas Emissions, U.S. EPA, available at: <https://www.epa.gov/greenvehicles/fast-facts-transportation-greenhouse-gas-emissions>; accessed July 2, 2018.

³⁶ Harmony Grove Village South DFEIR at 2.7-15.

³⁷ Harmony Grove Village South DFEIR at 2.7-15.

³⁸ Harmony Grove Village South DFEIR at 2.7-23.

Lilac Hills	18,239 MT CO ₂ e/year ³⁹	33,211 MT CO ₂ e/year ⁴⁰	yes ⁴¹
Newland Sierra	93,323 MT CO ₂ e/year ⁴²	52,986 MT CO ₂ e/year ⁴³	yes ⁴⁴
Otay Ranch Village 14	21,845 MT CO ₂ e/year ⁴⁵	16,384 MT CO ₂ e/year ⁴⁶	yes ⁴⁷
PSR GPA	36,776 MT CO ₂ e/year ⁴⁸	42,648 MT CO ₂ e/year ⁴⁹	compliance with CAP (which may include purchase of carbon offsets). ⁵⁰
TOTAL	174,594 MT CO ₂ e/year ⁵¹	150,451 MT CO ₂ e/year	

Quantification of the cumulative increase in GHG emissions from the County's contemplated development projects is extraordinarily important because the County is proposing to "mitigate" GHG emissions through the purchase of carbon offsets. Yet, without considering the Cumulative Projects together, it is impossible to know whether there will be adequate offsets available to satisfy the Projects' offset requirements.

³⁹ Lilac Hills Ranch RDEIR at 3-34.

⁴⁰ Lilac Hills Ranch RDEIR at 2.9-35.

⁴¹ Lilac Hills Ranch RDEIR at 2.9-35.

⁴² Newland Sierra DEIR at 2.7-35.

⁴³ Newland Sierra DEIR at 2.7-57.

⁴⁴ Newland Sierra DEIR at 2.7-47.

⁴⁵ Otay Ranch Village 14 DEIR at 2.7-47.

⁴⁶ Otay Ranch Village 14 DEIR at 2.7-47.

⁴⁷ Otay Ranch Village 14 DEIR at 2.7-31.

⁴⁸ PSR GPA Draft Final SEIR at 2.17-11.

⁴⁹ PSR GPA Draft Final SEIR at 2.17-11.

⁵⁰ PSR GPA Draft Final SEIR at 2.17-9.

⁵¹ As a point of reference, the Bay Area Air Quality Management District ("BAAQMD") identifies the following as a threshold of *Significance* for land use development projects: compliance with a qualified GHG Reduction Strategy or annual emissions less than 1,100 MT/yr of CO₂e. BAAQMD CEQA Air Quality Guidelines at 2-4. If annual emissions of operational-related GHGs exceed these levels, the proposed project would result in a cumulatively considerable contribution of GHG emissions and a cumulatively significant impact to global climate change. *Id.*

In fact, it is highly unlikely that there is a sufficient amount of offset credits available to mitigate the emissions from the County's planned development as the sheer volume of emissions creates a large and growing demand for offsets. According to the EIR prepared in connection with the County's CAP, as of January 2018, there were no credits from carbon offset projects located in the County that were available on any of the three offset registries approved by the California Air Resources Board (CARB). See Attachment 19, Final Supplement to the 2011 General Plan Update Program Environmental Impact Report for the Climate Action Plan, Chapter 8, Comments and Responses, at 8-53. And at a much broader level, 324,069,019 MT CO₂e were subject to the state's cap-and trade program in 2016, and only 25 million (up to eight percent) could come from offsets. See Attachment 20, California Air Resources Board Annual Summary of 2016 Greenhouse Gas Emissions Data.

Moreover, in practice, even the most sophisticated offset programs have failed. A 2016 report prepared for the European Union Directorate General for Climate Action concluded that nearly 75% of potential certified offset projects had a low likelihood of actually contributing additive GHG reductions, and less than 10% of such projects had a high likelihood of additive reductions. See Attachment 21, How Additional is the Clean Development Mechanism? Analysis of the application of current tools and proposed alternatives, Institute of Applied Ecology, March, 2016 at 11; see also Attachment 22, Carbon Credits Likely Worthless in Reducing Emissions, Study Says, Inside Climate News, April 19, 2017. If an offset program does not achieve additive reductions, it will not actually mitigate a project's GHG emissions. Because of these known problems with enforcement and efficacy, agencies typically permit offsets to constitute only a very small part of an overall emission reduction program. For example, California's cap and trade program allows no more than eight percent of GHG reductions to come from offsets, which will drop to four percent in 2021, at which point at least half of the offsets used must "provide direct environmental benefits in state." Health & Safety Code § 38562(c)(2)(E).

The problems with the County's carbon offset program extend beyond the fact that offsets may not be available or effective. CARB explicitly prioritizes onsite measures to reduce a project's GHG emissions: "[t]o the degree a project relies on GHG mitigation measures, CARB recommends that lead agencies prioritize on-site design features that reduce emissions, *especially from VMT*, and direct investments in GHG reductions within the project's region that contribute potential air quality, health, and economic co-benefits locally." See Attachment 23, CARB's 2017 Climate Change Scoping Plan, at 102 (emphasis added). Here, however, the County does not intend to require that GHG mitigation be local or even within the County. Thus, instead of designing residential

development to actually reduce VMT by siting it near jobs, services, and transit, the County intends to simply write a blank check for carbon “offsets,” some of which could be out of California or even out of the U.S. *See e.g.*, Newland Sierra FEIR at 2.7-50. The County’s carbon offset program therefore has the effect of facilitating high VMT development in locations with long commutes to jobs and services and without access to transit. This approach is directly contrary to CARB’s recommendation to prioritize onsite GHG emission reduction. *Id.*

To the extent the EIRs rely on the County’s Climate Action Plan (“CAP”) to address GHG impacts, that reliance is similarly misplaced. The CAP and its accompanying EIR suffer from the same inadequacies as the project EIRs – they fail to analyze the GHG or VMT impacts of the Cumulative Projects, rely entirely on offsets to mitigate any impacts from those projects, and do not require evidence that offsets are available, enforceable, additional (i.e., would not otherwise have occurred), or, as required by the County’s General Plan, local. The CAP completely jettisons the idea that VMT should be reduced through sound land use planning, and the County has failed to work collaboratively with SANDAG on VMT reduction as required by the County’s own General Plan. For these reasons, the CAP remains tied up in litigation and is likely to be overturned by the courts, which will also invalidate any approval the County makes in reliance on the CAP.

Even without the Cumulative Projects, the County’s practice of approving residential development projects outside of urbanized areas is already causing VMT to substantially outpace population growth in the County. Between 2005 and 2017 freeway VMT increased by 27 percent while population grew by just 12 percent.⁵² *See* Attachment 24 (San Diego County Freeway VMT and San Diego County Daily Per Capital Freeway VMT). If the County continues to approve large scale residential development in locations far removed away from jobs, services, and transit, VMT and transportation-related GHG emissions will continue to skyrocket.

In sum, the County must quantify the increase in GHG emissions from all of the Cumulative Projects currently being considered. It must then identify feasible mitigation for this increase in emissions. Even if offsets were potentially feasible mitigation, the County must demonstrate their effectiveness in reducing the cumulative climate change impacts. When a lead agency relies on mitigation measures to find that project impacts will be reduced to a level of insignificance, there must be substantial evidence in the record demonstrating that the measures are feasible and will be effective. *Sacramento*

⁵² According to the Department of Finance, San Diego County’s population increased 12 percent from 2005 to 2017, from 2,966,783 to 3,309, 509.

Old City Assn. v. City Council of Sacramento (1991) 229 Cal.App.3d 1011, 1027 (1991); *Kings County v. City of Hanford* (1990) 221 Cal.App.3d 692, 726-29. As discussed above, the County has provided no such evidence.

6. The Cumulative Projects Will Have Significant, Cumulative Land Use and Other Impacts.

CEQA requires that agencies analyze a project's consistency with applicable land use plans. See *Napa Citizens for Honest Govt. v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 386-87; CEQA Guidelines Appendix G, § X. As discussed in above, the Cumulative Projects would add 10,000 units to the rural parts of the County beyond what the General Plan currently allows, and would eviscerate the Plan's Community Development Model and numerous policies in the Land Use Element and Housing Element. None of the EIRs analyze the cumulative effects of the projects on General Plan consistency.

Nor do the EIRs analyze the cumulative effects of the projects on consistency with other countywide plans, such as SANDAG's Regional Transportation Plan/Sustainable Communities Strategy ("RTP/SCS"), or the approved or proposed Multiple Species Conservation Plans ("MSCPs") for the County prepared by state and federal resource agencies. Like the General Plan, the RTP/SCS assumes future growth will be focused around existing communities and relies on compact development and preserving open space to achieve its VMT reduction goals. The proposed projects would make attainment of those goals impossible.

Similarly, the MSCPs and related subarea plans are designed to facilitate development in less sensitive areas of the County by establishing a preserve system that will protect threatened and endangered species. The Cumulative Projects would not only destroy tens of thousands of acres of habitat, but many of the projects (e.g., Otay Ranch Village 14, Otay Ranch Village 13, Warner Ranch, Safari Highlands Ranch, Fanita Ranch, Newland Sierra) would convert lands specifically set aside or proposed for preservation in the MSCPs, threatening not only the assemblage of the proposed preserve systems but the continuing viability (or ability to gain approval) of the MSCPs.

The Cumulative Projects would undo years of planning efforts by the County and numerous other entities and stakeholders, representing exactly the type of haphazard development the resulting plans were intended to prevent. The County must take a comprehensive look at the cumulative effect those projects would have on consistency with those plans.

The cumulative impacts described in this letter by no means capture all of the potential cumulative impacts of the Cumulative Projects. For example, the EIRs for the projects fail to accurately account for the cumulative water demands of the projects and how they will affect the County's water supply. The water planning documents upon which the EIRs rely assume growth consistent with the current General Plan and have not assessed the combined demands of an additional 10,000 plus additional units on water supply. These and other cumulative impacts must be considered by the County before any of the projects are approved.

G. The County's "Bundling" of General Plan Amendments Is Inconsistent with the Purpose of Government Code section 65358 and Conflicts with CEQA's Mandate to Review the Impacts of the "Whole of an Action."

Government Code section 65358 limits the number of times per year that the County may amend any mandatory element of its General Plan. According to that statute, with limited exceptions, "no mandatory element of a general plan shall be amended more frequently than four times during any calendar year." Gov't. Code § 65358(b). While this section also states that "[e]ach amendment may include more than one change to the general plan," *id.*, the Supreme Court has concluded that the purpose of this limitation "was presumably to curb an excessively ad hoc planning purpose." *DeVita v. Cty. of Napa* (1995) 9 Cal.4th 763, 790.

San Diego County has stretched this rule to its breaking point, bundling together numerous general plan amendments for multiple large-scale development projects for review and approval at the same time, including the GPAs proposed in conjunction with the Harmony Grove Village South Project. According to a July 10, 2018, letter from Supervisor Dianne Jacob, the general plan amendments slated for bundling this calendar year will authorize the development of 13,000 new residential units by private, for-profit developers and landowners. See Attachment 25, Letter from D. Jacob to San Diego County Board of Supervisors, July 10, 2018. This number is more than *twenty times* the total number of new residential units permitted in the County in 2016. See County of San Diego 2016 General Plan Annual Progress Report, Attach. 1, page 4 (August 3, 2011).

These amendments are not designed to deal with unforeseen circumstances or correct inadvertent errors in the original general plan. Nor are they needed to address the state's housing crisis: According to the County's own Housing Element, there is ample land already designated for development to accommodate the County's Regional Housing Needs Assessment ("RHNA") of 22,412 residential units. Rather, these amendments are simply ad hoc changes catering to the special requests of developers who do not like the

sound planning policies and comprehensive development regulations contained in the original General Plan.

Adopting scores of individual exceptions to the general plan's policies in this way is precisely the kind of "ad hoc planning" Section 65358(b) was intended to prevent. If the County is always willing to change the rules of development anytime a developer wants to develop something that is not allowed, the general plan is no longer the "constitution for all future development" in the County, but rather a temporary placeholder for the ultimate whims of developers and landowners. *See Orange Citizens for Parks and Recreation v. Superior Court* (2016) 2 Cal.5th 141, 152 (citation omitted). Such a meaningless document does not satisfy the longstanding legislative requirement that all cities and counties must prepare "comprehensive, long-term general plan[s] for the[ir] physical development." Govt. Code § 65300.

In addition, this bundling undermines the validity of the environmental review conducted for each of the "bundled" projects. A fundamental premise of CEQA is that a lead agency must consider the environmental impacts of the whole of the action being approved, not individual permits or segmented pieces. CEQA Guidelines § 15378(a) (defining "project"). Here, the "whole of the action" is the approval of all bundled projects, including all of the amendments to the General Plan that are being considered at one time. Yet the County did not treat the projects in this way. The County failed to prepare a single EIR analyzing the total impacts of all bundled amendments. Instead, it prepared separate EIRs for each individual development requiring a general plan amendment. And, as discussed above, these individual EIRs failed to consider the other bundled General Plan amendments as projects with potentially significant cumulative impacts.

The end result is that the public and Planning Commission were never provided a full picture of the environmental impacts of these bundled projects. Each development was segmented into a separate environmental review document. None of these documents explained the significant impacts—including land use and other impacts—that will result from the County making numerous amendments to the General Plan at the same time. Nor were these impacts discussed in the cumulative impacts sections for each individual development, as discussed above.

In short, a general plan is supposed to govern where and how development occurs in a county. In San Diego, the roles have been reversed: development governs the General Plan. The County must correct this error by declining to approve further General Plan amendments, including those proposed by the Harmony Grove Village South

Project, for development that can, according to the County's own documents, be accommodated in areas already designated for new growth.

V. The County Violated Its CEQA Guidelines by Using Unapproved Consultants to Prepare the EIR.

The *County of San Diego CEQA Guidelines* § 17 (2009) provides that “the Department of Planning and Land Use will maintain a list or lists of individual(s) (not firms) that are authorized to prepare CEQA documents for the County for privately initiated projects....” Consultants must be approved and listed on the CEQA Consultant list for the following subjects: agricultural resources; air quality; archaeological resources; biological resources; groundwater; EIR preparer; fire protection planning; historic resources; mineral resources; noise; revegetation planning; transportation & traffic; and visual analysis. “Consultants selected shall only prepare County documents in subject areas for which they have been approved.” *County of San Diego CEQA Guidelines*, Attachment A.

For the Harmony Grove Village South Project, some consultants that contributed to documents in subject areas that require County-approved consultants were not on the County-approved list. For example, individuals associated with HELIX Environmental Planning, Inc. drafted the following: EIR, Visual Impact Analysis, Air Quality Analysis Report, Climate Change Analysis Report, Acoustical Site Assessment Report, and Biological Technical Report. Of these subjects, the EIR, Visual Impact Analysis, Air Quality Analysis, Acoustical (Noise) Site Assessment Report, and Biological Technical Report require a County-approved consultant to prepare the documents. *Harmony Grove Village South Project, Draft Final Environmental Impact Report: Chapter 6: List of EIR Preparers and Persons and Organizations Contacted*. Thirty-four individuals from HELIX Environmental Planning, Inc. are responsible for the analyses and reports previously listed. Only six of the individuals are county approved consultants (some are approved for more than one subject). Three of the individuals are approved EIR consultants, three of the individuals are approved visual analysis consultants, one individual is an approved air quality consultant, one individual is an approved noise consultant, and one is an approved biological technical report preparer. The remaining twenty-eight individuals are not County-approved consultants, in violation of the County's CEQA Guidelines.

Similarly, Linscott, Law & Greenspan Engineers prepared the traffic impact analysis. Three individuals from this organization are listed as preparing documents and only one is a County-approved transportation and traffic consultant.

The Memorandum of Understanding (MOU) template for the County of San Diego, a project applicant, and a consultant for a privately initiated project states: “the consultant shall ensure that any sub-consultant(s) hired by the consultant in conjunction with the preparation of the technical study/EIR shall comply with the County CEQA Guidelines and all relevant terms and conditions set forth in this MOU.” *County of San Diego CEQA Guidelines*, Attachment B. Thus, while sub-consultants are permitted, the sub-consultants must comply with the County’s CEQA guidelines, which state “consultants selected shall only prepare County documents in subject areas for which they have been approved.” *County of San Diego CEQA Guidelines* § 17. Because a number of subconsultants for the EIR were not County-approved, the County has failed to comply with its own, mandatory CEQA guidelines.

VI. Conclusion

In sum, the EIR is legally inadequate and cannot serve as the basis for Project approval. The EIR remains deeply flawed and fails to inform the public of the full impacts of the Project. It can support neither the findings required by CEQA nor a determination of General Plan consistency. For these reasons, the Elfin Forest Harmony Grove Town Council respectfully requests that the Board deny the Project.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Winter King

cc: (e-mail only):
Kristin Gaspar, Chair, Supervisor, District 3
Bill Horn, Supervisor, District 5
Dianne Jacob, Supervisor, District 2
Greg Cox, Supervisor, District 1
Ron Roberts, Supervisor, District 4
Sarah Aghassi, Deputy CAO and group General Manager for LUEG

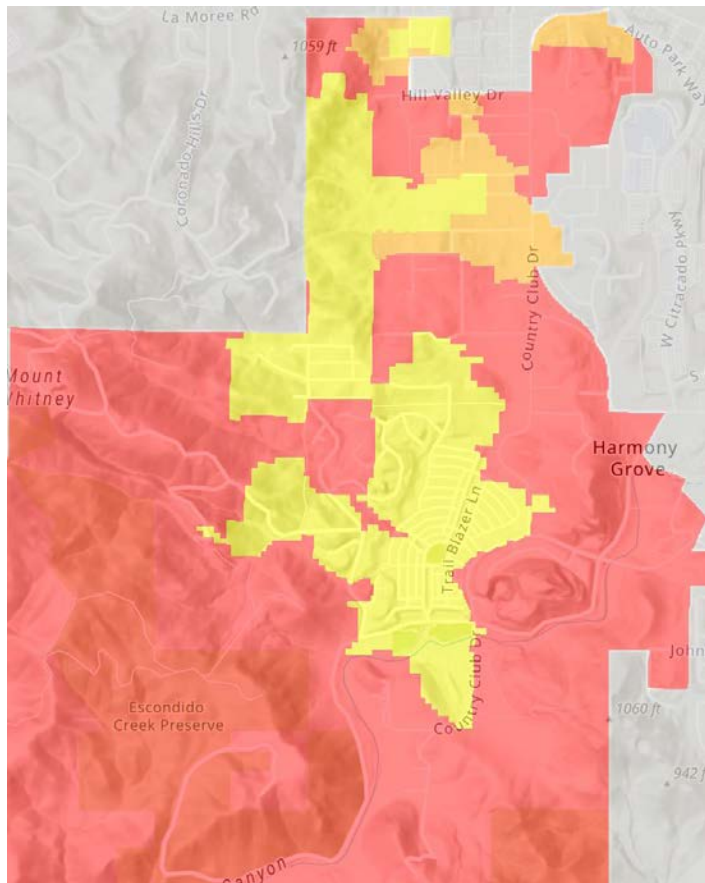
David Sibbett, Planning Manager, PDS
 Doug Dill, San Dieguito Planning Group
 Jacqueline Arsivaud, Elfin Forest Harmony Grove Town Council
 David Kovach, RCS Harmony Partners, LLC
 Marcel Arsenault, Real Capital Solutions

List of Attachments

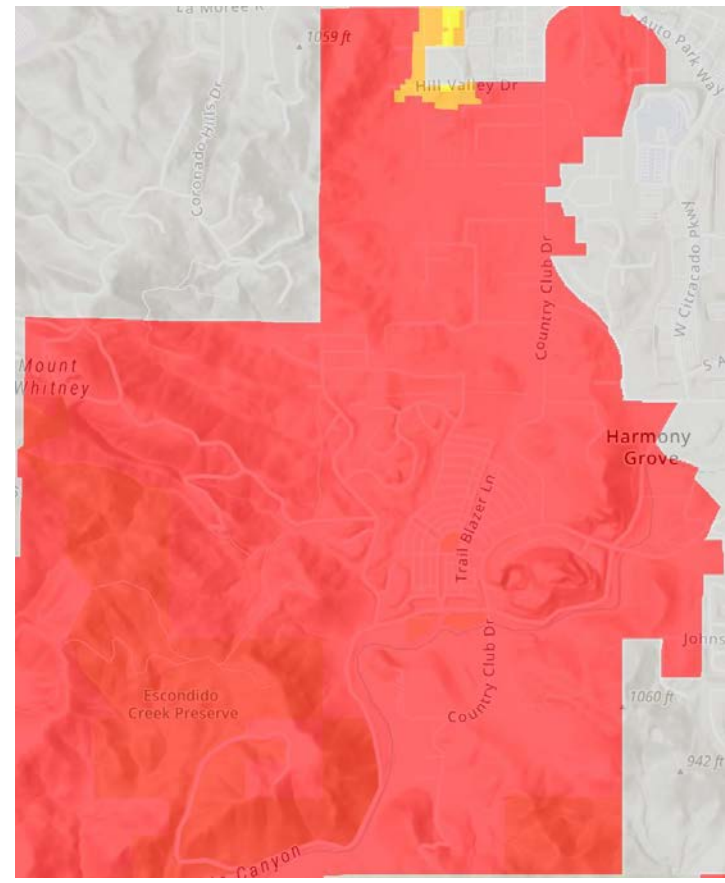
Attachment 1	Neal Liddicoat, P.E., of Griffin Cove Transportation Consulting, PLLC , June 28, 2018
Attachment 2	Dr. Matthew Rahn, Ph.D., M.S., J.D., of Rahn Conservation Consulting, LLC, July 22, 2018
Attachment 3	Robert Hamilton, Hamilton Biological, July 20, 2018
Attachment 4	<i>"Alarming failures left many in path of California wildfires vulnerable and without warning,"</i> Los Angeles Times, Dec. 29, 2017
Attachment 5	<i>"Expenses in California's wildfires hit record levels,"</i> Los Angeles Times, Dec. 28, 2017
Attachment 6	Dr. J. Zicherman, Berkeley Engineering and Research Inc., (Wildland Fire Report prepared in connection with the Safari Highlands Ranch EIR) December 20, 2017
Attachment 7	<i>"Record Heat in Southern California, and an Ominous Start to Wildfire Season,"</i> New York Times, July 7, 2018
Attachment 8	<i>"Why California's fire season is off to the worst start in 10 years,"</i> San Jose Mercury News, July 10, 2018
Attachment 9	Dr. C. Lautenberger, REAX Engineering, April 12, 2018, Wildland Fire Report prepared in connection with the Otay Ranch Village 14 Project
Attachment 10	<i>Fire history of the San Francisco East Bay region and implications for landscape patterns,</i> J. Keeley, International Journal of Wildland Fire, 14:285–296, 2005
Attachment 11	<i>Land Use Planning and Wildfire: Development Policies Influence Future Probability of Housing Loss,</i> Syphard AD, Bar Massada A, Butsic V, Keeley JE, 2013
Attachment 12	<i>Human Influence on California Fire Regimes,</i> Syphard, A. D., V. C. Radeloff, J. E. Keeley, T. J. Hawbaker, M. K. Clayton, S. I. Stewart, and R. B. Hammer, Ecological Application 17:1388–1402, 2007
Attachment 13	Caught in the Firestorm. Wildlands Urban Interface, Fire Rescue Magazine February 1, 2016
Attachment 14	<i>The Response and Recovery of Animals and Plants to the 2003 and 2007 San Diego County Wildfires,</i> USGS Western Ecological Research Center. March 11, 2010
Attachment 15	<i>Wildfires and Air Pollution: the Hidden Health Hazards of Climate Change,</i> A. Kenward, D. Adams-Smith, and U. Raja, Climate Central, 2013
Attachment 16	<i>Monitoring Health Effects of Wildfires Using the BioSense System, San Diego County, California,</i> CDC Morbidity and Mortality Weekly Report 57:1741-44, October 2007.
Attachment 17	<i>"Wildfire Threats in Ventura and San Diego Counties,"</i> New York Times, Dec. 7, 2017.
Attachment 18	San Diego The Regional Plan, Appendix J (Regional Growth Forecast)

Attachment 19	Final Supplement to the 2011 General Plan Update Program Environmental Impact Report for the Climate Action Plan, Chapter 8, Comments and Responses
Attachment 20	California Air Resources Board Annual Summary of 2016 Greenhouse Gas Emissions Data, November 6, 2017
Attachment 21	"How Additional is the Clean Development Mechanism?" Analysis of the application of current tools and proposed alternatives, Institute of Applied Ecology, March, 2016
Attachment 22	"Carbon Credits Likely Worthless in Reducing Emissions", Inside Climate News, April 19, 2017
Attachment 23	CARB's 2017 Climate Change Scoping Plan, November 2017
Attachment 24	San Diego County Freeway VMT and San Diego County Daily Per Capita Freeway VMT
Attachment 25	Dianne Jacob, San Diego County Board of Supervisor, July 10, 2018

EXHIBIT 6



2007 CalFire fire severity map showing all of Harmony Grove Village and a portion of Country Club road adjacent to HGVS (northeast of the proposed project site) as “moderate” (yellow).



2023 CalFire fire severity map (updated June 15, 2023) showing that the entire area is now considered a Very High Fire Severity (red), including Harmony Grove Village.

Further CalFire mapping information is available at <https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildfire-preparedness/fire-hazard-severity-zones/>

EXHIBIT 7

CALIFORNIA NATURAL RESOURCES AGENCY



FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

AMENDMENTS TO THE STATE CEQA GUIDELINES

OAL NOTICE FILE NO. Z-2018-0116-12

NOVEMBER 2018

Final Statement of Reasons

Update to the Initial Statement of Reasons

The California Natural Resources Agency (the “Natural Resources Agency” or “Agency”) proposes to amend the Guidelines Implementing the California Environmental Quality Act (Pub. Resources Code section 21000, et seq.) (“CEQA Guidelines”). The proposed amendments address legislative changes to the California Environmental Quality Act (CEQA), clarify certain portions of the existing CEQA Guidelines, and update the CEQA Guidelines to be consistent with recent court decisions.

CEQA generally requires public agencies to review the environmental impacts of proposed projects, and, if those impacts may be significant, to consider feasible alternatives and mitigation measures that would substantially reduce significant adverse environmental effects. Section 21083 of the Public Resources Code requires the adoption of guidelines to provide public agencies and members of the public with guidance about the procedures and criteria for implementing CEQA. The guidelines required by section 21083 of the Public Resources Code are promulgated in the California Code of Regulations, title 14, sections 15000-15387, plus appendices. Public agencies, project proponents, and third parties, who wish to enforce the requirements of CEQA, rely on the CEQA Guidelines to provide a comprehensive guide on compliance with CEQA. Subdivision (f) of section 21083 requires the Agency, in consultation with the Office of Planning and Research (“OPR”), to certify, adopt, and amend the CEQA Guidelines at least once every two years.

The Natural Resources Agency has made the following changes to the CEQA Guidelines:

Add sections: 15064.3 and 15234.

Amend sections: 15004, 15051, 15061, 15062, 15063, 15064, 15064.4, 15064.7, 15072, 15075, 15082, 15086, 15087, 15088, 15094, 15107, 15124, 15125, 15126.2, 15126.4, 15152, 15155, 15168, 15182, 15222, 15269, 15301, 15357, 15370, and Appendix G, Appendix M and Appendix N.

The CEQA Guidelines are unique among administrative regulations. They provide a carefully organized, step-by-step guide to the environmental review process. As a result, rather than turning to the statute and case law, many agency staff and planners look to the CEQA Guidelines as a comprehensive source of information regarding CEQA’s requirements.

Background

The last comprehensive update to the CEQA Guidelines occurred in the late 1990s. Since 2011, the Governor’s Office of Planning and Research (“OPR”) and the Natural Resources Agency have informally collected ideas on possible improvements to the CEQA Guidelines. In 2013, OPR and the Agency distributed a formal Solicitation for Input on possible improvements. Specifically, the solicitation asked for suggestions on efficiency improvements, substantive improvements, and technical improvements. Stakeholders offered many ideas. After considering this input, OPR developed a possible list of topics to

address in the update, and again sought and received substantial public input. Based on that input, as well as input received during informal stakeholder meetings, conferences, and other venues, OPR, in consultation with the Agency, developed a Preliminary Discussion Draft of proposed changes to the CEQA Guidelines. As that process proceeded, OPR, again in consultation with the Agency, developed proposed updates related to transportation impacts, as well as a proposed update related to the evaluation of hazards in response to the California Supreme Court's holding in *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal. 4th 369.

In November 2017, OPR finalized the package of updates and transmitted them to the Natural Resources Agency. The Agency then prepared the rulemaking documents required by the Administrative Procedures Act, including a Standardized Regulatory Impact Assessment to evaluate the potential economic impacts of the package.

Anticipated Benefits of the Proposed Regulations

Approximately thirty (30) sections have been identified for adoption or amendment during this rulemaking process. Several of those changes are intended to, both directly and indirectly, reduce greenhouse gas emissions and better enable communities to respond to the effects of climate change. Additionally, several changes should help agencies accommodate more homes and jobs within California's existing urban areas. Doing so should help people find homes and get to where they need to go more quickly and affordably while also preserving California's natural resources. Finally, many of the changes are intended to make the CEQA process easier to navigate by, among other things, improving exemptions, making existing environmental documents easier to rely on for later projects, and clarifying rules governing the CEQA process.

Regarding the change related to transportation impacts, the Agency's Statement of Regulatory Impact Assessment identified numerous potential direct and indirect benefits of reducing vehicle miles traveled. Realization of those benefits will depend on the degree to which, pursuant to this CEQA Guidelines update, lead agencies use the streamlined approaches for analysis of low-VMT projects, mitigate high-VMT projects, or choose lower VMT project alternatives.¹ Some of the benefits, among many others, that may result from reducing vehicle miles traveled are described qualitatively below:

- *Better health and avoided health care costs.* Higher vehicle miles traveled is associated with more auto collisions, more air pollution, more greenhouse gas emissions, less active transportation, and less transit use. If California achieves its goals of doubling walking and tripling biking (Caltrans Strategic Management Plan), 2,095 annual deaths will be avoided. Increasing active transit modes would help reduce air pollution and greenhouse gas emissions. Estimates of the annual monetized value of prevented deaths and disabilities in California resulting from achieving those targets ranges from \$1 billion to \$15.5 billion.²

¹ Lead agencies determine whether any particular mitigation measure is feasible in the context of the project under review. (See, e.g., CEQA Guidelines § 15091.) Further, CEQA allows a lead agency to approve a project that has significant environmental impacts so long as it finds that the benefits of the project outweigh those impacts. (*Id.* at § 15093.)

² Maizlish N. *Increasing Walking, Cycling, and Transit: Improving Californians' Health, Saving Costs, and Reducing Greenhouse Gases. Final Report.* California Department of Public Health (CDPH), 2016.

- *Reduction in transportation, building energy, and water costs.* Less vehicle travel reduces vehicle fuel (or electricity), maintenance, parking, and in some cases vehicle ownership costs. Transportation costs are typically the second greatest category of household expenditure after housing itself (Bureau of Labor Statistics, Consumer Expenditures). Compact development, which is associated with lower vehicle miles traveled, tends to consume less building energy and irrigation water, leading to savings to residents and businesses. Busch et al., 2015 estimated that if 85 percent of new housing and jobs added in the state until 2030 were located within existing urban boundaries, it would reduce per capita vehicle miles traveled by about 12 percent below 2014 levels.³ That combination of reduced vehicle miles traveled and more compact development would, in turn, result in an estimated \$250 billion in household cost savings cumulative to 2030 (with an average annual savings per household in 2030 of \$2,000). Household costs analyzed in the Busch, et al. study included auto fuel, ownership and maintenance costs, as well as residential energy and water costs.
- *Reduction in travel times to destinations.* Reducing vehicle miles traveled reduces congestion regionally, decreasing travel times, and may also encourage more investment in multi-modal infrastructure. Even if there is localized congestion, due to increased density of development, travel times decrease because of better proximity (Mondschein, 2015).⁴
- *Cleaner water.* Motor vehicle travel can cause deposition of pollutants onto roadways, which can then be carried by stormwater runoff into waterways. Fuel, oil, and other liquids used in motor vehicles can leak from vehicles onto the ground (Delucchi, 2000). Brake dust and tire wear can further cause particles to be deposited onto the ground (Thorpe and Harrison, 2008). Brake pads and tire compounds are made out of compounds that include metal. Further, motor vehicles require roadways for travel. Paved roadways are impervious surfaces which prevent infiltration of storm water in the ground. Impervious surfaces can increase the rate, volume, and speed, and temperature of stormwater runoff (US Environmental Protection Agency, 2003). Wearing down of roadways can further cause particles to be deposited onto the ground (Thorpe and Harrison, 2008). The Victoria Transportation Policy Institute (2015) estimates that in total that motor vehicle contributions to water pollution cost approximately 42 billion dollars per year or 1.4 cents per mile.

The Agency also expects more sustainable development decisions to result from the clarified sections addressing water supply, energy, wildfire, greenhouse gas emissions, as well as the clarified exemptions for transit oriented developments and upgrades to existing facilities. Other benefits of the remainder of the CEQA Guidelines update are expected to include greater certainty for both public agencies and private applicants, as well as time and cost savings due to clearer rules.

<https://www.cdph.ca.gov/programs/Documents/IncreasingWalkingCyclingTransitFinalReport2016rev2017-01-28.pdf>

³ Busch C., et al., *Moving California Forward, How Smart Growth Can Help California Reach Its 2030 Climate Target While Creating Economic and Environmental Co-Benefits*, Nov. 2015, at p. 26.

⁴ Mondschein A. *Congested Development: A Study of Traffic Delays, Access, and Economic Activity in Metropolitan Los Angeles*, Institute of Transportation Studies, UCLA Luskin School of Public Affairs, Sept. 2105.

What is in this Package?

This rulemaking package contains changes or additions involving nearly thirty different sections of the Guidelines addressing nearly every step of the environmental review process. It is a balanced package that is intended to make the process easier and quicker to implement, and better protect natural and fiscal resources consistent with California's environmental policies.

Efficiency Improvements

The package includes several changes intended to result in a smoother, more predictable process for agencies, project applicants and the public.

First, the package promotes use of existing regulatory standards in the CEQA process. Using standards as "thresholds of significance" creates a predictable starting point for environmental analysis, and allows agencies to rely on the expertise of the regulatory body, without foreclosing consideration of possible project-specific effects.

Second, the package updates the environmental checklist that most agencies use to conduct their environmental review. Redundant questions in the existing checklist are proposed to be eliminated and some questions would be updated to address contemporary topics. The checklist has also been updated with new questions related to transportation and wildfire, pursuant to Senate Bill 743 (Steinberg, 2013), and Senate Bill 1241 (Kehoe, 2012), respectively.

Third, the package includes several changes to make existing programmatic environmental review easier to use for later projects. Specifically, it clarifies the rules on tiering, and provides additional guidance on when a later project may be considered within the scope of a program EIR.

Fourth, the package enhances several exemptions. For example, consistent with Senate Bill 743 (Steinberg, 2013), it updates an existing exemption for projects implementing a specific plan to include not just residential, but also commercial and mixed-use projects near transit. It also clarifies the rules on the exemption for changes to existing facilities so that vacant buildings can more easily be redeveloped. Changes to that same exemption will also promote pedestrian, bicycle and streetscape improvements within an existing right of way.

Finally, the package includes a new section to assist agencies in complying with CEQA following resolution of a court challenge, and help the public and project proponents understand the effect of the remand on project implementation.

Substantive Improvements

The package also contains substantive improvements related to environmental protection.

First, the package provides guidance regarding energy impacts analysis. Specifically, it requires an EIR to include an analysis of a project's energy impacts that addresses not just building design, but also transportation, equipment use, location, and other relevant factors.

Second, the package includes guidance on the analysis of water supply impacts. The guidance is built on the holding in the California Supreme Court decision in *Vineyard Area Citizens for Responsible Growth v.*

City of Rancho Cordova (2007) 40 Cal. 4th 412. It requires analysis of a proposed project's possible sources of water supply over the life of the project and the environmental impacts of supplying that water to the project. The analysis must consider any uncertainties in supply, as well as potential alternatives.

Third, as directed in Senate Bill 743, the package includes a new section addressing the evaluation of transportation impacts. The current emphasis on traffic congestion in transportation analyses tends to promote increased vehicle use. This new guidance instead focuses on a project's effect on vehicle miles traveled, which should promote project designs that reduce reliance on automobile travel.

Fourth, the package updates the guideline addressing greenhouse gas emissions to reflect recent case law. Among other changes, the Agency clarifies that a project's incremental contribution to the impacts of climate change should not be compared to state, national or global emissions to determine whether the project's emissions are cumulatively considerable. The changes also clarify that, if relying on consistency with state goals and policies to determine significance, the lead agency should explain how the project's emissions are consistent with those goals.

Technical Improvements

The package also includes many technical changes to conform to recent cases and statutory changes. For example, one of the changes clarifies when agencies must consider the effects of locating projects in hazardous locations, in response to the California Supreme Court's ruling in *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal. 4th 369. Others clarify when it may be appropriate to use projected future conditions as the environmental baseline. Another change addresses when agencies may defer specific details of mitigation measures until after project approval. The package also includes a set of changes related to the duty of lead agencies to provide detailed responses to comments on a project. The changes clarify that a general response may be appropriate when a comment submits voluminous data and information without explaining its relevance to the project. Other changes address a range of topics such as selecting the lead agency, posting notices with county clerks, clarifying the definition of "discretionary," and others. Detailed Description of Proposed Changes

The specific changes proposed in this package are described in detail below in the order in which they would appear in the CEQA Guidelines.

15004. TIME OF PREPARATION

Specific Purposes of the Amendment

CEQA Guidelines section 15004 states the requirement that environmental impact reports (EIRs) and Negative Declarations be prepared before an agency makes a decision on the project and early enough to help influence the project's plans or design.

In *Save Tara v. City of West Hollywood* ("Save Tara") (2008) 45 Cal.4th 116, the California Supreme Court addressed the issue of when CEQA applies to certain activities that precede project approval. The court declined to set forth a bright-line rule. Instead, the court concluded

that several factors are relevant to the determination of when CEQA review must be completed. The purpose of the addition of subdivision (b)(4) is to assist lead agencies in applying the principles identified by the California Supreme Court in the *Save Tara* decision. The first sentence of subdivision (b)(4) acknowledges that pre-approval agreements may fall on a spectrum between mere interest in a project and a commitment to a definite course of action. That sentence also reflects the Supreme Court's holding that circumstances surrounding the activity are relevant to the determination of whether an agency has, as a practical matter, committed to a project. The second sentence provides an example of what could likely not precede CEQA review, such as an agreement that vests development rights. The third sentence, on the other hand, provides examples of characteristics of agreements that may be executed prior to CEQA review. These include agreements that do not foreclose any mitigation measures or project alternative and that are conditioned on completion of CEQA review.

Necessity

The proposed addition of (b)(4) of CEQA Guidelines section 15004 is reasonably necessary to reflect the California Supreme Court's decision in *Save Tara*. The additional language will ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Natural Resources Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with case law that has interpreted CEQA, and the proposed action adds no new substantive requirements. The Natural Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses, as any impacts are due to the California Supreme Court's determination in *Save Tara*.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing case law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15051. CRITERIA FOR IDENTIFYING THE LEAD AGENCY

Specific Purposes of the Amendment

This CEQA Guidelines section provides criteria for identifying the Lead Agency when a project may require approval by more than one public agency under CEQA. Public Resources Code section 21067 defines “lead agency” as “the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment.” Similarly, the CEQA Guidelines define the lead agency as “the public agency which has the principal responsibility for carrying out or approving a project.... Criteria for determining which agency will be the lead agency for a project is contained in section 15051.” (CEQA Guidelines, § 15367.) CEQA Guidelines section 15051, subdivisions (a) and (b), explain which entity will act as lead agency under usual circumstances, and subdivisions (c) and (d) address circumstances when more than one agency could potentially be lead.

CEQA Guidelines, section 15051, subdivision (c), states that, “[w]here more than one public agency equally meet the criteria in subdivision (b), the agency which will act first on the project in question shall be the lead agency.” However, subdivision (d) states that “[w]here the provisions of subdivisions (a), (b), and (c) leave two or more public agencies with a substantial claim to be the lead agency, the public agencies may by agreement designate an agency as the lead agency....” As these sections are currently written, where two public agencies equally meet the criteria for lead agency, the agency which will act first must be the lead under subdivision (c), which effectually renders subdivision (d) inapplicable other than with respect to subdivision (a). The existing language, if read literally, would prevent two potential lead agencies which meet the criteria in subdivision (b), each with a substantial claim to be the lead, from agreeing to designate one as the lead unless both happen to act at the exact same moment on the project.

The purpose of the amendment is to increase the flexibility in the determination of a lead agency by changing the word “shall” to “will normally” to clarify that where more than one public agency meets the criteria in subdivision (b), the agencies may agree pursuant to subdivision (d) to designate one entity as the lead.

Necessity

The proposed changes are reasonably necessary to provide clarity and to ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency’s Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose

for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Natural Resources Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be internally consistent, and the proposed action adds no new substantive requirements. The Natural Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law and makes this CEQA Guideline internally consistent. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15061. REVIEW OF EXEMPTION

Specific Purposes of the Amendment

CEQA Guidelines section 15061 describes when a project or activity is exempt from CEQA. The Natural Resources Agency proposes to amend subdivision (b)(3) of Section 15061. Currently, subdivision (b)(3) states that an activity is covered by the "general rule" that an activity is exempt from CEQA if there is no possibility that activity may have a significant effect on the environment. The Natural Resources Agency proposes to replace the phrase "general rule" with the phrase "common sense exemption" in order to match the language used by the California Supreme Court when evaluating the application of this CEQA exemption. (See, *Muzzy Ranch Co. v. Solano County Airport Land Use Com.* (2007) 41 Cal. 4th 372, 389 (using the phrase "common sense exemption" to apply Section 15061).)

Necessity

This clarification is needed to match practitioners' customary use of the term "common sense exemption" and to prevent possible confusion for others who see or hear references to the term but cannot find it in the text of the CEQA Guidelines. Additionally, the proposed change is reasonably necessary to provide clarity and to ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected

private persons than, the proposed action. This conclusion is based on the Natural Resources Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with case law that has interpreted CEQA, and the proposed action adds no new substantive requirements. The Natural Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing case law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15062. NOTICE OF EXEMPTION Specific Purposes of the Amendment

This section prescribes the use and content of the Notice of Exemption. Agencies are authorized but, in most cases, not required to file this notice. The regulation spells out minimum contents so that people can recognize whether a particular notice applies to the project with which they are concerned. The section notes that the effect of filing the notice is to start a short statute of limitations period. If the notice is not filed, a longer period would apply. Failure to comply with all of the requirements for filing notices of exemption results in the longer, 180-day, statute of limitations.

Pursuant to Assembly Bill 320 (Hill, 2011), the Natural Resources Agency added a new subdivision (a)(6) to Section 15062 of the CEQA Guidelines. AB 320 amended Public Resource Code, sections 21108 and 21152 requiring certain information to be included in the Notice of Exemption consistent with CEQA Guidelines section 21065, subdivisions (b) and (c). Specifically, AB 320 requires the Notice of Exemption to include the identity of the person undertaking an activity, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies or the identity of the person receiving a lease, permit, license, certificate, or other entitlement for use. Thus, the Natural Resources Agency added subdivision (a)(6) to section 15062 of the CEQA Guidelines to provide consistency with Public Resources Code, section 21108 and 21152.

Necessity

This addition is necessary to implement the requirements of AB 320 (Hill, 2011) and to be consistent with Public Resources code, sections 21108 and 21152.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Natural Resources Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with Sections 21108 and 21152 of the Public Resources Code, and the proposed action adds no new substantive requirements per se. Rather, additional information regarding the project applicant must be included in the forms filed by public agencies. The Natural Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15063. INITIAL STUDY

Specific Purposes of the Amendment

The purpose of this section is to describe the process, contents, and use of the Initial Study. The Natural Resources Agency proposes to add a new subsection (4) to Section 15063, subdivision (a), to specify the arrangements a lead agency may use to prepare an initial study. The Public Resources Code states that a public agency may prepare a draft environmental impact report or negative declaration directly or under contract to that public agency. (Pub. Resources Code, § 21082.1.) Section 15084 of the CEQA Guidelines implements the Public Resources Code by allowing lead agencies to prepare a draft environmental impact report directly or under contract. (See CEQA Guidelines, § 15084 subd. (d).) The CEQA Guidelines do not currently, however, contain a parallel provision for negative declarations or mitigated declarations.

A draft or mitigated negative declaration must include a copy of an initial study. (See CEQA Guidelines, § 15071, subd. (d) (stating that a negative declaration circulated for public review must include a copy of the initial study).) Therefore, the Natural Resources Agency proposes to add the new subsection to Section 15063, subdivision (a) to match the methods and arrangement used to prepare a draft environmental impact report and increase consistency in report preparation.

Necessity

This addition is necessary to provide consistent guidance for lead agencies preparing environmental documents.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Natural Resources Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be internally consistent, and the proposed action adds no new substantive requirements. The Natural Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing case law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15064. DETERMINING THE SIGNIFICANCE OF THE ENVIRONMENTAL EFFECTS CAUSED BY A PROJECT

Specific Purposes of the Amendment

A key step in the environmental review process is to determine whether a project may cause a significant effect on the environment. Section 15064 of the CEQA Guidelines provides general criteria to guide agencies in determining the significance of environmental effects of their projects as required by section 21083 of the Public Resources Code. The Natural Resources Agency updated CEQA Guidelines Section 15064 to expressly clarify that agencies may rely on standards adopted for environmental protection as thresholds of significance. Specifically, the Natural Resources Agency added subdivision (b)(2) to Section 15064.

The first sentence of subdivision (b)(2) states the rule, set forth in cases interpreting CEQA, that thresholds of significance may be used in the determination of significance. (See *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98 111; see also *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4th 1099, 1111.) Importantly, this new sentence also provides a cross-reference to CEQA Guidelines, Section 15064.7, which defines a threshold of significance.

The second sentence of this new subdivision provides that an agency that relies on a threshold of significance should explain how application of the threshold indicates a less than significant effect. This sentence recognizes the court's caution in *Protect the Historic Amador Waterways* that "thresholds cannot be used to determine automatically whether a given effect will or will not be significant." (*Protect the Historic Amador Waterways, supra*, 116 Cal. App. 4th at pp. 1108-1109.) This sentence is also consistent with several other provisions in the Guidelines. (See, e.g., CEQA Guidelines § 15064(h)(3) ("When relying on a plan, regulation or program [to evaluate cumulative impacts], the lead agency should explain how implementing the particular requirements in the plan, regulation or program ensure that the project's incremental contribution to the cumulative effect is not cumulatively considerable"); § 15063, subd. (d)(3) (initial study must include sufficient information to support its conclusions).) Notably, the explanation need not be lengthy. CEQA Guidelines Section 15128 provides the explanation that an impact is determined to be less than significant, and therefore was not analyzed in an EIR, need only be brief.

Finally, the third sentence of this new subdivision cautions that a lead agency must evaluate any substantial evidence supporting a fair argument that, despite compliance with thresholds, the project's impacts are nevertheless significant. (*Protect the Historic Amador Waterways, supra*, 116 Cal. App. 4th at pp. 1108-1109 ("thresholds cannot be used to determine automatically whether a given effect will or will not be significant[;]" rather, "thresholds of significance can be used only as a measure of whether a certain environmental effect 'will normally be determined to be significant' or 'normally will be determined to be less than significant' by the agency"); see also *CBE, supra*, 103 Cal.App.4th at 112-113.)

This sentence does not alter the standard of review. Thus, in the context of an environmental impact report, a lead agency may weigh the evidence before it to reach a conclusion regarding the significance of a project's effects. This added sentence clarifies, however, that a project's compliance with a threshold does not excuse an agency of its obligation to consider the information presented to it regarding a project's impacts. (*Rominger v. County of Colusa* (2014) 229 Cal. App. 4th 690, 717.) In other words, thresholds shall not be applied in a rote manner; analysis and evaluation of the evidence is still required. In this regard, this sentence is similar to a lead agency's requirement to review and consider comments submitted on its environmental documents. (CEQA Guidelines, §§ 15074, subd. (b), 15088.)

Necessity

The change is necessary to clarify a lead agency's obligation to determine the significance of a proposed project and what evidence it must consider in reaching that conclusion. The Natural Resources Agency's revision will clarify that compliance with relevant standards may be a basis for determining that the project's impacts are less than significant.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Natural Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Natural Resources Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be internally consistent, and the proposed action adds no new substantive requirements. The Natural Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. The proposed action also does not alter the applicable standard of review. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15064.3. DETERMINING THE SIGNIFICANCE OF TRANSPORTATION IMPACTS

Californians drive approximately 332 billion vehicle miles each year. Traffic studies used in CEQA documents have typically focused on one thing: the impact of projects on traffic flows. Senate Bill 743 (2013) required OPR and the Natural Resources Agency to develop alternative methods of measuring transportation impacts under CEQA. At a minimum, the new methods must apply within areas that are served by transit; however, the Guidelines may extend the new methods statewide. Once the Agency adopts the new transportation guideline, automobile delay (often called Level of Service) will no longer be considered to be an environmental impact under CEQA.

Explanation of Proposed New Section 15064.3

New section 15064.3 contains several subdivisions, which are described below. In brief, these Guidelines provide that transportation impacts of projects are, in general, best measured by evaluating the project's vehicle miles traveled. Methodologies for evaluating such impacts are already in use for most land use projects, as well as many transit and active transportation projects. Methods for evaluating vehicle miles traveled for highway capacity projects continue to evolve, however, and so these Guidelines recognize a lead agency's discretion to analyze such projects, provided such analysis is consistent with CEQA and applicable planning requirements.

Subdivision (a): Purpose

Subdivision (a) sets forth the purpose of the entire new section 15064.3. First, the subdivision clarifies that the primary consideration, in an environmental analysis, regarding transportation is the amount

and distance that a project might cause people to drive. This captures two measures of transportation impacts: auto trips generated and vehicle miles traveled. These factors were identified by the legislature in SB 743. The last sentence clarifies that automobile delay is not a significant effect on the environment.

Subdivision (b): Criteria for Analyzing Transportation Impacts

While subdivision (a) sets forth general principles related to transportation analysis, subdivision (b) focuses on specific criteria for determining the significance of transportation impacts. It is further divided into four subdivisions: (1) land use projects, (2) transportation projects, (3) qualitative analysis, and (4) methodology.

Subdivision (b)(1): Land Use Projects

SB 743 did not authorize the Agency to set thresholds, but it did direct OPR and the Agency to develop Guidelines “for determining the significance of transportation impacts of projects[.]” (Pub. Resources Code § 21099(b)(2).) Therefore, to provide guidance on determining the significance of impacts, subdivision (b)(1) describes factors that might indicate whether the amount of a project’s vehicle miles traveled may be significant, or not.

Subdivision (b)(2): Transportation Projects

While subdivision (b)(1) addresses vehicle miles traveled associated with land use projects, subdivision (b)(2) focuses on impacts that result from certain transportation projects. Subdivision (b)(2) clarifies that lead agencies should presume that projects that reduce vehicle miles traveled, such as pedestrian, bicycle and transit projects, will have a less than significant impact. This subdivision further provides that lead agencies have discretion in which measure to use to evaluate highway capacity projects, provided that any such analysis is consistent with the requirements of CEQA and any other applicable requirements (e.g., local planning rules). Importantly, this provision does not prohibit capacity expansion. It also does not relieve agencies of the requirement to analyze any other potential impacts of such projects, including, but not limited to, greenhouse gas emissions and other air pollutants. Finally, recognizing that highway capacity projects may be analyzed at a programmatic level, subdivision (b)(2) states that lead agencies may be able to tier from a programmatic analysis that adequately addresses the effects of such capacity projects.

Subdivision (b)(4): Methodology

Lead agencies have the discretion to choose the most appropriate methodology to analyze a project’s vehicle miles traveled. Depending on the project, vehicle miles traveled may be best measured on a per person, per household or other similar unit of measurement. Subdivision (b)(4) also recognizes the role for both models and professional judgment in estimating vehicle miles traveled.

Subdivision (c): Applicability

The new procedures may be used immediately upon the effective date of these Guidelines by lead agencies that are ready to begin evaluating vehicle miles traveled, but jurisdictions will have until 2020 to start analyzing vehicle miles traveled if they need that time to update their procedures. In that case, those agencies would continue to evaluate transportation impacts by measuring congestion.

Necessity

The proposed addition of CEQA Guidelines section 15064.3 is reasonably necessary to implement the direction in Public Resources Code 21099 that the CEQA Guidelines provide for a new methodology for analyzing transportation impacts of projects. The language of this section of the CEQA Guidelines follows the direction of the Legislature and ensures that that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Natural Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered and rejected two alternatives to the proposed action. Under Alternative 1, the change from level of service to vehicle miles traveled would apply only to proposed projects within "transit priority areas." This is the minimum scope of what Senate Bill 743 requires. Proposed projects outside of transit priority areas would continue to prepare traffic analyses using level of service, or other measures of congestion.

The Agency rejected Alternative 1 for several reasons. First, this alternative would forgo substantial cost and time savings that are expected to result from studying vehicle miles traveled instead of congestion. Second, this alternative would be more likely to cause confusion and increase litigation risk. Greater uncertainty would result because this alternative would require two different types of analyses to be conducted, depending on location. Third, research indicates that a transportation analysis focused on vehicle miles traveled may result in numerous indirect benefits to individuals including improved health; savings on outlay for fuel, energy, and water; reduction of time spent in transport to destinations. Finally, this alternative would be less likely to achieve the purposes of SB 743. That legislation requires the updated CEQA Guidelines "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." As explained in the Office of Planning and Research's Preliminary Evaluation of Alternative Methods of Transportation Analysis, as a metric, vehicle miles traveled promotes those statutory purposes better than level of service.

Under Alternative 2, the analysis of vehicle miles traveled would apply to land use projects only and not to transportation projects. In other words, under this alternative, congestion analysis would continue to apply to roadway, transit, bicycle and pedestrian projects reviewed under CEQA.

The Agency rejected Alternative 2 because it would forgo the cost and time benefits described above for transit, bicycle and pedestrian projects. Those types of projects in particular are more likely to provide healthier, lower cost, more equitable transportation options. They are also a key strategy to reducing

greenhouse gas emissions. As a result, this alternative would be less likely to achieve the purposes of Senate Bill 743, requiring the CEQA Guidelines update to “promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.”

The Action Will Not Have a Significant Adverse Economic Impact on Business

The Agency has determined that the proposed action will not have a significant adverse economic impact on businesses, and instead, would lead to an overall economic benefit. Project proponents, including businesses, would experience time and cost savings related to document preparation largely because, with the changes required by SB 743, traffic studies would be less complicated and CEQA analysis may be streamlined, depending on the project’s proximity to transit. Private consulting businesses that prepare environmental documents may generate less revenue for preparing less expensive studies, but their receipts would vary based on project-specific factors, including project complexity and location.

15064.4 DETERMINING THE SIGNIFICANCE OF IMPACTS FROM GREENHOUSE GAS EMISSIONS

Specific Purposes of Amendment

The Agency has amended several portions of existing section 15064.4, as described below. The Agency added section 15064.4 to the CEQA Guidelines in 2010 as part of a package of amendments addressing greenhouse gas emissions, as directed by Senate Bill 97 (Dutton, 2007). The purpose of section 15064.4 is to assist lead agencies in determining the significance of a project’s greenhouse gas emissions on the environment.

Subdivision (a)

The first change is in subdivision (a) of section 15064.4. Subdivision (a) currently states that lead agencies “should” make a good faith effort to estimate or describe a project’s greenhouse gas emissions. The Agency replaced the word “should” with the word “shall” to clarify that evaluation of a project’s greenhouse gas emissions is a requirement of CEQA. (See Pub. Resources Code, § 21083.05; *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 90-91 [“climate-change impacts are significant environmental impacts requiring analysis under CEQA”]; *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497 (SANDAG); see also CEQA Guidelines, § 15005 [defining the terms “should” and “shall”].) This clarification is necessary because some agencies continue to provide information regarding climate change in their projects’ environmental documents without actually determining whether the project’s greenhouse gas emissions are significant. A similar clarifying change has been made in subdivision (b), replacing the word “assessing” with the word “determining.” CEQA requires a lead agency to determine the significance of all environmental impacts. (Pub. Resources Code, § 21082.2; CEQA Guidelines, § 15064.)

Subdivision (b)

The Agency updated subdivision (b) of section 15064.4 by adding four sentences. That subdivision currently provides a list of factors that a lead agency should use when evaluating a project's greenhouse gas emissions. First, the Agency added a sentence clarifying that the focus of the lead agency's analysis should be on the project's effect on climate change. This clarification is necessary to avoid an incorrect focus on the quantity of emissions, and in particular how that quantity of emissions compares to statewide or global emissions. (See, e.g., *Friends of Oroville v. City of Oroville* (2013) 219 Cal.App.4th 832, 842 [invalidating an EIR that based its significance determination partly on comparing the project's emissions to statewide emissions]; *Center for Biological Diversity v. Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204, 228 [invalidating an EIR because the lead agency did not provide sufficient evidence that "the Scoping Plan's statewide measure of emissions reduction can also serve as the criterion for an individual land use project"]; see also *Mission Bay Alliance v. Office of Community Investment & Infrastructure* (2016) 6 Cal.App.5th 160-198-200 [upholding agency's greenhouse gas analysis that did not quantify emissions].) The Agency further clarified that lead agencies should consider the reasonably foreseeable incremental contribution of the project's emissions to the effects of climate change. In doing that analysis, agencies should avoid in speculation. (CEQA Guidelines, §§ 15144 ["an agency must use its best efforts to find out and disclose all that it reasonably can"], 15145 ["[i]f, after a thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact"].)

In the second sentence of subdivision (b), the Agency clarified that a project's incremental contribution may be cumulatively considerable even if it appears relatively small compared to statewide, national or global emissions. This change is consistent with existing case law discussing cumulative impacts and the applicable portions of the Public Resources Code. The impacts analysis of greenhouse gas emissions is global in nature; "the fact that carbon dioxide and other greenhouse gases, once released into the atmosphere, are not contained in the local area of their emission means that the impacts to be evaluated are also global rather than local." (*Center for Biological Diversity v. Dept. of Fish & Wildlife*, *supra*, 62 Cal.4th at p. 220; *SANDAG*, *supra*, 3 Cal.5th at p. 512.) "[A]n individual project's emissions will most likely not have any appreciable impact on the global problem by themselves, but they will contribute to the significant cumulative impact caused by greenhouse gas emissions from other sources around the globe." (*Center for Biological Diversity v. Dept. of Fish & Wildlife*, *supra*, 62 Cal.4th at p. 219; *SANDAG*, *supra*, 3 Cal.5th at p. 512.) Thus, the primary question to be answered in the impacts analysis is "whether the project's incremental addition of greenhouse gases is 'cumulatively considerable' in light of the global problem, and thus significant." (*Ibid.*) Depending on the proposed project, the project's incremental contribution of greenhouse gases, even if minor, may be cumulatively considerable. (See *SANDAG*, *supra*, 3 Cal.5th at p. 515 ["The fact that a regional plan's contribution to reducing greenhouse gas emissions is likely to be small on a statewide level is not necessarily a basis for concluding that its impact will be insignificant in the context of a statewide goal."].)

In the third sentence of subdivision (b), the Agency added that lead agencies should consider a timeframe for the analysis that is appropriate for the project. CEQA requires agencies to consider a project's direct and indirect significant impacts on the environment, "giving due consideration to both the short-term and long-term effects." (CEQA Guidelines, § 15126.2, subd. (a); see Pub. Resources Code,

§ 21001, subd. (d) [state policy “[e]nsure[s] that the long-term protection of the environment . . . shall be the guiding criterion in public decisions”]; § 21001, subd. (g) [state policy requires “governmental agencies at all levels to consider . . . long-term benefits and costs, in addition to short-term benefits and costs . . .”]; § 21083 [requiring preparation of an EIR for a project that “has the potential to . . . achieve short-term, to the disadvantage of long-term, environmental goals”].) In some cases, it would be appropriate for agencies to consider a project’s long-term greenhouse gas impacts, such as for projects with long time horizons for implementation.

In the fourth sentence of subdivision (b), the Agency clarified that an agency’s analysis must reasonably reflect evolving scientific knowledge and state regulatory schemes. This clarification acknowledges *SANDAG, supra*, 3 Cal.5th 497. In that case, the California Supreme Court addressed the adequacy of an EIR prepared for a long-range regional transportation plan. In addressing the plan’s greenhouse gas emissions, the Court held the lead agency did not abuse its discretion by declining to analyze the consistency of projected long-term greenhouse gas emissions with the goals of an executive order declaring an emissions reduction goals for 2050. But the Court further stated: “we do not hold that the analysis of greenhouse gas impacts employed by SANDAG in this case will necessarily be sufficient going forward. CEQA requires public agencies like SANDAG to ensure that such analysis stay in step with evolving scientific knowledge and state regulatory schemes.” (*Id.* at p. 504; *see id.* at p. 519.)

The agency also changed subdivision (b)(3) of section 15064.4. That subdivision currently discusses the consideration of whether a project complies with a plan or regulation to reduce greenhouse gas emissions. The Agency clarified the first sentence of subdivision (b)(3) by adding a reference to CEQA Guidelines section 15183.5, which governs the contents of an agency’s plan for the reduction of greenhouse gas emissions. This addition is needed to clarify that lead agencies may rely on plans prepared pursuant to section 15183.5 in evaluating a project’s greenhouse gas emissions. This change is consistent with the Agency’s Final Statement of Reasons for the addition of section 15064.4, which states that “proposed section 15064.4 is intended to be read in conjunction with . . . proposed section 15183.5. Those sections each indicate that local and regional plans may be developed to reduce GHG emissions.” (Natural Resources Agency, Final Statement of Reasons (December 2009), p. 27; *see Mission Bay Alliance v. Office of Community Investment & Infrastructure, supra*, 6 Cal.App.5th at pp. 201-202 [upholding agency’s reliance on greenhouse gas strategy].)

Finally, the Agency added another sentence to subdivision (b)(3). The Agency clarified that in determining the significance of a project’s impacts, the lead agency may consider a project’s consistency with the State’s long-term climate goals or strategies, provided that substantial evidence supports the agency’s analysis of how those goals or strategies address the project’s incremental contribution to climate change and its conclusion that the project’s incremental contribution is consistent with those plans, goals, or strategies. This clarification implements the California Supreme Court’s decision in *Center for Biological Diversity v. Dept. of Fish & Wildlife, supra*, 62 Cal.4th 204. In that case, the EIR used consistency with Assembly Bill 32’s greenhouse gas emissions reduction goals as a significance threshold. The EIR also discussed the California Air Resources Board’s Scoping Plan and “business as usual” (BAU) scenario, and found that the project would emit less than the BAU scenario. The Court concluded that the agency used a permissible significance threshold, but failed to support with

substantial evidence the finding that the project's greenhouse gas emissions would not have a cumulatively significant impact on the environment. (Id. at pp. 218-222, 225.) As the Court stated, the lead agency failed to establish through substantial evidence "a quantitative equivalence between the Scoping Plan's statewide comparison and the EIR's own project-level comparison" (Id. at p. 227.)

Subdivision (c)

The Agency added subdivision (c) to address the use of models and methodologies. The Agency clarifies that the lead agency has discretion to select the model or methodology it considers most appropriate to enable decision makers to intelligently take into account the project's incremental contribution to climate change. Most of the text in the new subdivision (c) was taken from subdivision (a)(1) of the current section 15064.4. Additionally, the clarification regarding the agency's discretion in selecting an appropriate model or methodology is consistent with CEQA Guidelines section 15151, which addresses the standards for adequacy of EIRs. (*Ibid.* ["An EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make decision which intelligently takes account of environmental consequences."].) Models play a role not only in estimating a project's greenhouse gas emissions, but also in determining baseline emissions and applying thresholds. Moving the text to subdivision (c) clarifies that the guidance on models applies to the entire section. However, when an agency relies completely on a single quantitative method, it must research and document the quantitative parameters essential to that method. (*Center for Biological Diversity v. Dept. of Fish & Wildlife, supra*, 62 Cal.4th at p. 228.)

Necessity

The proposed amendments to CEQA Guidelines section 15064.4 are necessary to reflect recent case law involving climate change analysis, including decisions from the California Supreme Court. (*Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497; *Center for Biological Diversity v. Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204; *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70.) In addition to proposing necessary updates to this section, the Agency intends these changes to result in analyses that help decisionmakers and the public to meaningfully understand a project's potential contribution to climate change.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with case law. Additionally, the proposed action adds no new substantive requirements. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only and would be implementing existing case law.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The action implements and clarifies existing case law. Because the action does not add new substantive requirements, it will not result in an adverse impact on businesses in California.

15064.7. THRESHOLDS OF SIGNIFICANCE

Specific Purposes of the Amendment

This section provides additional explanation of thresholds of significance. Section 15064.7 defines a threshold as “an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will *normally* be determined to be significant by the agency and compliance with which means the effect *normally* will be determined to be less than significant.” (CEQA Guidelines § 15064.7, subd. (a) (emphasis added).)

Thresholds of significance can inform not only the decision of whether to prepare an EIR but also the identification of effects to be analyzed in depth in the EIR, the requirement to make detailed findings on the feasibility of alternatives or mitigation measures to reduce or avoid the significant effects, and when found to be feasible, changes in the project to lessen the adverse environmental impacts.

Because environmental standards, if used correctly, may promote efficiency in the environmental review process, the Natural Resources Agency added subdivision (d) to CEQA Guidelines, Section 15064.7 on thresholds of significance. Consistent with the rulings in both *Communities for a Better Environment, et al., v. Resources Agency* (2002) 103 Cal.App.4th and *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4th, the first sentence recognizes that lead agencies may treat environmental standards as thresholds of significance. By promoting the use of environmental standards as thresholds of significance, the changes in Section 15064.7 are intended to make determinations of significance simpler and more predictable for all participants in the environmental review process.

The second sentence explains that in adopting or applying an environmental standard as a threshold, the lead agency should explain how application of the environmental standard indicates a less than significant effect. This sentence recognizes the court’s caution in *Protect the Historic Amador Waterways* that “thresholds cannot be used to determine automatically whether a given effect will or will not be significant.” (*Protect the Historic Amador Waterways, supra*, 116 Cal. App. 4th at pp. 1108-1109; see also *Rominger v. County of Colusa* (2014) 229 Cal.App.4th 690, 717.) This sentence is also consistent with a similar provision in existing subdivision (h)(3), which states: “When relying on a plan, regulation or program [to evaluate cumulative impacts], the lead agency should explain how implementing the particular requirements in the plan, regulation or program ensure that the project’s incremental

contribution to the cumulative effect is not cumulatively considerable.” (CEQA Guidelines, § 15064, subd. (h)(3); see also §§ 15063, subd. (d)(3) (requiring an initial study to include sufficient information to support its conclusions); and, 15128 (requiring a lead agency to explain briefly the reasons that an impact is determined to be less than significant and therefore was not analyzed in an EIR).)

Finally, the third sentence provides criteria to assist a lead agency in determining whether a particular environmental standard is appropriate for use as a threshold of significance. The first criterion requires that the standard actually be adopted by some formal mechanism. Standards that have already undergone the scrutiny of a formal adoption process are more likely to provide a sound benchmark against which to measure a particular project’s impacts. The second criterion requires the standard to actually be adopted for the purpose of environmental protection. Such standards are more likely to provide useful information about a project’s environmental impacts than, for example, consumer protection standards. The third criterion requires that the standard actually govern the impact at issue. This is necessary to ensure that the standard relates to the impact of concern. (See, e.g., *Californians for Alternatives to Toxics v. Department of Food & Agriculture* (2005) 136 Cal.App.4th 1, 16–20; *Berkeley Keep Jets Over the Bay Com. v. Board of Port Comm.* (2001) 91 Cal.App.4th 1344, 1382 (requiring analysis of single event noise despite compliance with cumulative noise standard).) The last criterion is that the standard must actually govern the project type. For example, some standards address plan-level activities, while others address project-specific activities.

Other changes in this section clarify that lead agencies may, but are not required to, formally adopt thresholds. Lead agencies may also use thresholds on a case-by-case basis.

Necessity

The change is necessary to clarify a lead agency’s obligation to determine the significance of a proposed project and what evidence it must consider in reaching that conclusion. The Natural Resources Agency’s revision clarifies that compliance with relevant standards may be a basis for determining that the project’s impacts are less than significant. The changes in this section are necessary to assist lead agencies in determining when environmental standards may be used for this purpose.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Natural Resources Agency’s Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Natural Resources Agency’s determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with current case law, and the proposed action adds no new substantive

requirements. The Natural Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15072. NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION

Specific Purposes of the Amendment

CEQA Guidelines section 15072 describes a lead agency's obligations to provide notices of intent to specified recipients before the lead agency adopts a negative declaration or a mitigated negative declaration. The Natural Resources Agency made two changes to this section in response to concerns raised by stakeholders.

First, stakeholders have noted that there is some confusion about the word "referenced" as used in the CEQA Guidelines. (CEQA Guidelines, §§ 15072 and 15087.) Specifically, Section 15072(h) states that a notice of intent must list the address where all documents referenced in an initial study must be specified. Some agencies interpret "referenced" to mean every document that is cited in the environmental document, where others interpret it to mean every document that is incorporated by reference into the document pursuant to CEQA Guidelines, section 15150.

Documents that are "incorporated by reference" provide a portion of the document's overall analysis, and because the final initial study must reflect the independent judgment of the lead agency, one would expect a copy of the incorporated document to actually be among the lead agency's files. Other referenced documents may only provide supplementary information, and may be contained in a consultant's files or research libraries. While still valid sources of information, it is less important for such documents to actually be in the lead agency's possession. The Natural Resources Agency, therefore, finds that the latter interpretation to be a more practical interpretation of CEQA.

Second, the Natural Resources Agency added a sentence to subdivision (e) of Section 15072. The purpose of this subdivision is to list the agencies and entities in which a lead agency shall or may consult prior to completing an environmental impact report. (See, Pub. Resources Code, § 21104 (stating that the lead agency shall consult with, and obtain comments from each responsible,

trustee, or public agency that has jurisdiction over the project).) The Agency has clarified in this subdivision that lead agencies should consult public transit agencies with facilities within one-half mile of the proposed project. Doing so is likely to promote early information sharing and to avoid potential conflicts.

Necessity

This addition is necessary to improve noticing standards, provide internal consistency between sections 15072, 15082 and 15150 of the CEQA Guidelines, and clarify that CEQA itself does not mandate that a lead agency include every document cited in an EIR for public review.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Natural Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Natural Resources Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be internally consistent, and the proposed action adds no new substantive requirements. The Natural Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15075. NOTICE OF DETERMINATION ON A PROJECT FOR WHICH A PROPOSED NEGATIVE OR MITIGATED NEGATIVE DECLARATION HAS BEEN APPROVED

Specific Purposes of the Amendment

This section prescribes the use and content of a Notice of Determination on a project for which a proposed negative or mitigated negative declaration has been approved. The existing regulation spells out minimum contents so that people can recognize whether a particular notice applies to the project with which they are concerned. The section notes that the effect of filing the notice is to start a short statute of limitations period. If the notice is not filed, a longer period would apply. Failure to comply with all the requirements for filing notices of determination results in the longer, 180-day, statute of limitations.

Pursuant to Assembly Bill 320 (Hill, 2011), the Natural Resources Agency has added a new subdivision (b)(8) to Section 15075 of the CEQA Guidelines. AB 320 amended Public Resource Code sections 21108 and 21152 to require certain information to be included in the Notice of Determination consistent with CEQA Guidelines section 21065, subdivisions (b) and (c). AB 320 requires the Notice of Determination to include the identity of the person undertaking an activity, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies or the identity of the person receiving a lease, permit, license, certificate, or other entitlement for use. Thus, the Natural Resources Agency added subdivision (b)(8) to section 15075 of the CEQA Guidelines to provide consistency with Public Resources Code, section 21108 and 21152.

Necessity

The amendment to CEQA Guidelines section 15075 is necessary to reflect the Legislative changes. The language of this section of the CEQA Guidelines follows the direction of the Legislature and ensures that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Natural Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Natural Resources Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with Sections 21108 and 21152 of the Public Resources Code, and the proposed action adds no new substantive requirements per se. Rather, additional information regarding the project applicant must be included in the forms filed by public agencies. The Natural Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15082. NOTICE OF PREPARATION AND DETERMINATION OF SCOPE OF EIR Specific Purposes of the Amendment

CEQA Guidelines section 15082 describes the consultation process (commonly referred to as “scoping”), including the use of a notice of preparation of a draft EIR, among a lead agency and responsible and trustee agencies where the lead agency is preparing an EIR that will be used by these agencies in reviewing and approving a project.

The Natural Resources Agency amended subdivision (a) of Section 15082 of the CEQA Guidelines. Currently, subdivision (a) of Section 15082 states that a lead agency must send a notice of preparation stating that an environmental impact report will be prepared to the Office of Planning and Research and each responsible and trustee agency involved in the project. Public Resources Code, Section 21092.3 also requires that the notices be posted in the office of the county clerk of each county in which the project will be located. The Natural Resources Agency, therefore, included a statement that the notice must also be filed with the county clerk of each county within which the project is located.

Necessity

This addition is necessary to accurately reflect the procedural requirement stated in the Public Resources Code, which also requires posting with the county clerk.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Natural Resources Agency’s Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Natural Resources Agency’s determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with the Act, and the proposed action adds no new substantive requirements. The Natural Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15086. CONSULTATION CONCERNING DRAFT EIR Specific Purposes of the Amendment

This section implements the statutory requirements for consultation with other public agencies and the authority to consult with people who have special expertise concerning the environmental effects of the project. (Pub. Resources Code, § 21092.4.)

Among the other agencies with whom a lead agency should consult, the Natural Resources Agency clarified in subdivision (a)(5) of Section 15086 that lead agencies should also consult public transit agencies facilities within one-half mile of the proposed project. Doing so is likely to promote early information sharing and resolution of potential conflicts.

Necessity

This addition is necessary to improve noticing standards by involving affected public transit agencies in the preparation of an environmental impact report and to ensure environmental transportation impacts are fully considered in accordance to the general statutory mandate under CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Natural Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Natural Resources Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with the Act, and the proposed action adds no new substantive requirements. The Natural Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15087. PUBLIC REVIEW AND DRAFT EIR

Specific Purposes of the Amendment

CEQA Guidelines section 15087 sets forth procedures for public notice applying to the public review of draft EIRs.

The Natural Resources Agency made two separate amendments to this section. The first is an addition to subdivision (c)(2) of section 15087 that the lead agency may specify the manner in

which it will receive written comments. The second clarifies the requirement in (g)(4) of section 15087 that all documents referenced in the draft environmental impact report or negative declaration be available for review.

CEQA Guidelines section 15087, subd. (c)(2)

Advances in technology have altered the nature of the public's interactions with government agencies. Many public agencies now incorporate the internet and social media into their outreach and public participation strategies. (See, e.g., Office of Planning and Research, Book of Lists (2003), pp. 94-99 (listing local governments that use the internet and e-mail as forms of public engagement); see also Institute for Local Government, "A Local Official's Guide to Online Public Engagement" (2012).) In light of these changes, it is appropriate to allow a lead agency to specify that formal written comments must be submitted to a particular physical or electronic mail address and not, for example, a posting on social media.

Similarly, the public has expanded its use of the internet and digital storage to provide increasing amounts of data and information to decision-makers.

Therefore, the Natural Resources Agency clarified in Section 15087, subdivision (c)(2) that the lead agency may specify the manner in which it will receive written comments. This is an important clarification given that failure to respond to a timely submitted comment may lead to invalidation of a project for failure to comply with CEQA. Further, it is important for the public to understand the way to best make its views known to decisionmakers. Thus, this change promotes both public participation in the CEQA process and predictable outcomes in the CEQA process.

CEQA Guidelines, 15087, subd. (c)(5)

CEQA requires a lead agency to provide notice that it is preparing an EIR or a negative declaration, and such notice "shall specify ... the address where copies of the draft environmental impact report or negative declaration, and all documents referenced in the draft environmental impact report or negative declaration, are available for review" (Pub. Resources Code § 21092, subds. (a) and (b).) Stakeholders have noted that there is some confusion about the word "referenced" as used in that section and in the CEQA Guidelines. (CEQA Guidelines §§ 15072, 15087.) Some agencies interpret "referenced" to mean every document that is cited in the environmental document, where others interpret it to mean every document that is incorporated by reference into the document pursuant to Section 15150.

Documents that are "incorporated by reference" provide a portion of the document's overall analysis, and because the final initial study must reflect the independent judgment of the lead agency, one would expect a copy of the incorporated document to actually be among the lead agency's files. Other referenced documents may only provide supplementary information, and may be contained in a consultant's files or research libraries. While still valid sources of information, it is less important for

such documents to actually be in the lead agency's possession. The Natural Resources Agency, therefore, finds that the latter interpretation to be a more practical interpretation of CEQA.

Necessity

The clarification of subdivision (c)(2), of section 15087 is necessary to accommodate those agencies that wish to publicize the availability a draft environmental impact report on the internet or social media, and to make clear that responses will not be prepared for comments made in internet chat-rooms or via social media.

Additionally, in enacting CEQA, the Legislature declared that "it is the policy of the state that ... [a]ll persons and public agencies involved in the environmental review process be responsible for carrying out the process in the most efficient, expeditious manner" (Pub. Resources Code § 21003, subd. (f).) The changes to subdivision (c)(5) would also provide internal consistency between sections 15072, 15082 and 15150 of the Guidelines and would clarify that CEQA itself does not mandate that a lead agency include every document cited in an EIR for public review.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Natural Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Natural Resources Agency's determination that the proposed action is necessary to update the CEQA Guidelines to carry out the CEQA process in the most efficient, expeditious manner, to be internally consistent, and the proposed action adds no new substantive requirements. The Natural Resources Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15088. EVALUATION OF AND RESPONSE TO COMMENTS

Specific Purposes of the Amendment

This section explains that evaluation and response to public comments is an essential part of the CEQA process. Failure to comply with these requirements can lead to disapproval of a project. To avoid this problem, it is necessary to identify the requirements for responding to comments

in the CEQA Guidelines. This section is also necessary to explain different ways in which the responses to comments can be prepared. The options of revising the draft or adding the comments and responses as a separate section of the final EIR match the permissible approaches under NEPA.

In light of the increasing use of the internet in public engagement, as well as current case law, the Natural Resources Agency clarified the scope of a lead agency's duty to respond to comments as described in Section 15088. Specifically, the Agency updated that section to state that responses to general comments may be general. Further, the Agency clarified that general responses may be appropriate when a comment does not explain the relevance of information submitted with the comment, and when a comment refers to information that is not included or is not readily available to the agency.

The Natural Resources Agency also clarified in Section 15088, subdivision (b) that a lead agency may provide proposed responses to public agency comments in electronic form. This change is consistent with the policy stated in Public Resources Code Section 21003, subdivision (f), that "agencies involved in the environmental review process be responsible for carrying out the process in the most efficient, expeditious manner[.]" The change is also consistent with the trend of making more government documents available electronically. (See, e.g., Senate Bill 122 (Jackson, 2016) (allowing the State Clearinghouse to require submission of documents in electronic form).)

Necessity

This clarification is necessary to define the scope of a lead agency's duty to respond to comments as described in section 15088. Specifically, these changes are necessary to clarify that responses to general comments may be general. Further, these changes are necessary to clarify that general responses may be appropriate when a comment does not explain the relevance of information submitted with the comment, and when a comment refers to information that is not included or is not readily available to the agency. Additionally, in enacting CEQA, the Legislature declared that "it is the policy of the state that ... [a]ll persons and public agencies involved in the environmental review process be responsible for carrying out the process in the most efficient, expeditious manner" (Pub. Resources Code § 21003, subd. (f).)

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency's determination that the proposed action is necessary to update the CEQA Guidelines to carry out the CEQA process in the most efficient, expeditious manner, to be internally consistent, and the

proposed action adds no new substantive requirements. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15094. NOTICE OF DETERMINATION

Specific Purposes of the Amendment

This section prescribes the use and content of the Notice of Determination. The existing regulation spells out minimum contents so that people can recognize whether a particular notice applies to the project with which they are concerned. The section notes that the effect of filing the notice is to start a short statute of limitations period. If the notice is not filed, a longer period would apply. Failure to comply with all of the requirements for filing notices of determination results in the longer, 180-day, statute of limitations.

Pursuant to Assembly Bill 320 (Hill, 2011), the Natural Resources Agency added a new subdivision (b)(10) to Section 15094 of the CEQA Guidelines. AB 320 amended Public Resource Code, sections 21108 and 21152 requiring information to be included in the Notice of Determination consistent with CEQA Guidelines section 21065, subdivisions (b) and (c). AB 320 requires the Notice of Determination to include the identity of the person undertaking an activity, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies or the identity of the person receiving a lease, permit, license, certificate, or other entitlement for use. Thus, the Agency added subdivision (b)(10) to section 15094 of the CEQA Guidelines to provide consistency with Public Resources Code, section 21108 and 21152.

Necessity

The amendment to CEQA Guidelines section 15094 is necessary to reflect the Legislative changes made in AB 320 (2011). The language of this section of the CEQA Guidelines follows the direction of the Legislature and ensures that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with Sections 21108 and 21152 of the Public Resources Code, and the proposed action adds no new substantive requirements. Rather, additional information regarding the project applicant must be included in the forms filed by public agencies. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15107. COMPLETION OF NEGATIVE DECLARATION FOR CERTAIN PRIVATE PROJECTS Specific Purposes of the Amendment

This section reflects the statutory requirement that a Negative Declaration be completed and adopted within 180 days of the day a private project is accepted as complete for processing. The Natural Resources Agency added a sentence to Section 15107 clarifying that a lead agency may extend the 180-day time limit once for a period of no more than 90 days upon the consent of both the lead agency and the applicant.

Necessity

This addition is necessary to allow the lead agency the same flexibility to extend the deadline for the completion of a negative declaration as is allotted for the completion of an environmental impact report. (CEQA Guidelines, § 15108 (lead agency may extend the deadline for the completion of an environmental impact report "...[O]nce for a period of not more than 90 days upon consent of the lead agency and the applicant".))

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be

internally consistent, and the proposed action adds no new substantive requirements. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15124. PROJECT DESCRIPTION

Specific Purposes of the Amendment

This section requires the EIR to describe the proposed project in a way that will be meaningful to the public, to the other reviewing agencies, and to the decision-makers. The Natural Resources Agency amended subdivision (b) of Section 15124 to clarify that the general description of a project may also discuss the proposed project's benefits to ensure the project description allows decision makers to balance, if needed, a project's benefit against its environmental cost.

Necessity

This clarification is necessary to ensure that the CEQA Guidelines are consistent with case law. (See *County of Inyo v. City of Los Angeles*, 71 Cal. App. 3d 185, 192 (determined an accurate project description allows decision makers to balance the proposal's benefit against its environmental cost).) The clarification ensures that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with the case law, and the proposed action adds no new substantive requirements. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15125. ENVIRONMENTAL SETTING

Specific Purposes of the Amendment

This section of the CEQA Guidelines requires an EIR to describe the environmental setting of the project so that the changes can be seen in context. Section 15125 of the CEQA Guidelines has for years described the general rule: “normally,” the baseline consists of physical environmental conditions “as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced.” In recent years, several decisions of the courts of appeal and the California Supreme Court have focused on exceptions to this general rule. In response, the Natural Resources Agency has added a statement of purpose and three subdivisions to subdivision Section 15125, subdivision (a).

Subdivision (a) – Purpose

In the body of subdivision (a), the Natural Resources Agency added a sentence stating that the purpose of defining the environmental setting is to give decision-makers and the public an accurate picture of the project’s likely impacts, both near-term and long-term. This sentence paraphrases the Supreme Court’s description of the requirement in *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal. 4th 439. (See *id.* at 455 (“Even when a project is intended and expected to improve conditions in the long term--20 or 30 years after an EIR is prepared--decision makers and members of the public are entitled under CEQA to know the short- and medium-term environmental costs of achieving that desirable improvement. ... [¶] ... The public and decision makers are entitled to the most accurate information on project impacts practically possible, and the choice of a baseline must reflect that goal”); see also *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310.) The purpose of adding this sentence to subdivision (a) is to guide lead agencies in the choice between potential alternative baselines. When in doubt, lead agencies should choose the baseline that most meaningfully informs decision-makers and the public of the project’s possible impacts.

Subdivision (a)(1) – General Rule

New subdivision (a)(1) sets forth the general rule: normally, conditions existing at the time of the environmental review should be considered the baseline. The first sentence largely consists of language that was moved from the body of existing subdivision (a) and that states this general rule. The second sentence provides that a lead agency may look back to historic conditions to establish a baseline where existing conditions fluctuate, provided that it can

document such historic conditions with substantial evidence. (See, *Communities for a Better Environment, supra*, 48 Cal.4th at pp. 327-328 (“Environmental conditions may vary from year to year and in some cases it is necessary to consider conditions over a range of time periods”) (quoting *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 125); see also *Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316.)

The third sentence provides that a lead agency may describe both existing conditions as well as future conditions. (*Neighbors, supra*, 57 Cal. 4th at p. 454 (“nothing in CEQA law precludes an agency... from considering both types of baseline--existing and future conditions--in its primary analysis of the project's significant adverse effects”).) The court in the *Neighbors* decision described examples of when it might be appropriate to focus on conditions existing at the time the project commences operations:

For example, in an EIR for a new office building, the analysis of impacts on sunlight and views in the surrounding neighborhood might reasonably take account of a larger tower already under construction on an adjacent site at the time of EIR preparation. For a large-scale transportation project ..., to the extent changing background conditions during the project's lengthy approval and construction period are expected to affect the project's likely impacts, the agency has discretion to consider those changing background conditions in formulating its analytical baseline.

(*Id.* at 453.)

Subdivision (a)(2) – Exceptions to the General Rule

Proposed subdivision (a)(2) sets forth the exception to the general rule, and conditions allowing lead agencies to use an alternative baseline. The first sentence explains that existing conditions may be omitted in favor of an alternate baseline where “use of existing conditions would be either misleading or without informative value to decision-makers and the public.” (See, *Neighbors, supra*, 57 Cal.4th at p. 453 (“To the extent a departure from the ‘norm[]’ of an existing conditions baseline (CEQA Guidelines, § 15125(a)) promotes public participation and more informed decisionmaking by providing a more accurate picture of a proposed project's likely impacts, CEQA permits the departure. Thus, an agency may forego analysis of a project's impacts on existing environmental conditions if such an analysis would be uninformative or misleading to decision makers and the public”).) Notably, the Court in the *Neighbors* case highlighted a useful example of when future conditions might provide a more useful analysis:

In this illustration, an existing industrial facility currently emits an air pollutant in the amount of 1,000 pounds per day. By the year 2020, if no new project is undertaken at the facility, emissions of the pollutant are projected to fall to 500 pounds per day due to enforcement of regulations already adopted and to turnover in the facility's vehicle fleet. The operator proposes to use the facility for a new project that will emit 750 pounds per day of the pollutant upon implementation and through at least 2020. An

analysis comparing the project's emissions to existing emissions would conclude the project would reduce pollution and thus have no significant adverse impact, while an analysis using a baseline of projected year 2020 conditions would show the project is likely to increase emissions by 250 pounds per day, a (presumably significant) 50 percent increase over baseline conditions.

(*Neighbors*, *supra*, 57 Cal. 4th at 453, n 5.)

The first sentence in subdivision (a)(2) also describes the procedural requirement that the lead agency must expressly justify its decision not to use existing conditions as the baseline for environmental analysis, and that justification must be supported with substantial evidence in the record. (See *id.* at 457.) The second sentence provides that if future conditions are to be used, they must be based on reliable projections grounded in substantial evidence. This provision reflects the court's concern regarding gamesmanship and manipulation as stated in the *Neighbors* decision, as well as the concern that predictive modeling may not be readily understood by the public. (*Id.* at pp. 455-456; see also Pub. Resources Code, §§ 21003(b) (CEQA documents shall "be organized and written in a manner that will be meaningful and useful to decision makers and to the public"), 21080(e)(2) ("Substantial evidence" does not include "speculation ... or ... evidence that is clearly inaccurate or erroneous").)

Subdivision (a)(3) – Hypothetical Conditions

Subdivision (a)(3) specifies that hypothetical conditions may not be used as a baseline. Specifically, this proposed subdivision states that lead agencies may not measure project impacts against conditions that are neither existing nor historic, such as those that might be allowed under existing permits or plans. As the Supreme Court explained in its *CBE* decision: "[a]n approach using hypothetical allowable conditions as the baseline results in 'illusory' comparisons that 'can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts,' a result at direct odds with CEQA's intent." (*Communities for a Better Environment*, *supra*, 48 Cal. 4th at 322 (quoting *Environmental Planning & Information Council v. County of El Dorado* (1982) 131 Cal. App. 3d 350, 358).)

These changes reflect in large part suggestions of the Association of Environmental Professionals and American Planning Association, and, to a degree, those submitted by the California Building Industry Association. (See "Recommendations for Updating the State CEQA Guidelines American Planning Association, California Chapter; Association of Environmental Professionals; and Enhanced CEQA Action Team (August 30, 2013), at pp. 1-2; see also Letter from the California Building Industry Association, February 14, 2014.) This proposal, however, breaks the new guidance into subdivisions to more clearly identify (1) the general rule, (2) acceptable exceptions to the general rule and conditions for using alternative baselines, and (3) prohibited alternative baselines.

Necessity

This clarification is necessary to reflect the California Supreme Court’s decision in *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439. The description of the environmental setting plays a key role in the CEQA process by providing the baseline against which the project’s potential impacts are measured. It is necessary to guide lead agencies in the choice between potential alternative baselines.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency’s Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency’s determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with the California Supreme Court’s decision, and the proposed action adds no new substantive requirements. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15126.2. CONSIDERATION AND DISCUSSION OF SIGNIFICANT ENVIRONMENTAL IMPACTS

Specific Purposes of the Amendment

This section of the CEQA Guidelines describes how an EIR must identify and focus on the significant environmental effects, unavoidable significant environmental effects, unavoidable significant environmental effects, significant irreversible environmental changes, and growth-inducing impacts which may result from a project. The Natural Resources Agency made two separate additions to this section.

Changes in Subdivision (a), Relating to Hazards

First, the Natural Resources Agency changed subdivision (a) to specifically address the California Supreme Court’s decision in *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369. In that case, the Court held that “agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project’s future users or residents” but they must analyze hazards the project might risk

exacerbating. In reaching that conclusion, the Court also found that two sentences in existing Section 15126.2, subdivision (a), were invalid.

Changes appear in the first, as well as the fifth through the eighth, sentences in existing Section 15126.2(a). The first change clarifies that the focus of a CEQA analysis is the project's effect on the environment. Second, these changes add the words "or risks exacerbating" to the fifth sentence regarding impacts a project may cause by bringing people or development to the affected area. This addition clarifies that an EIR must analyze not just impacts that a project might cause, but also existing hazards that the project might make worse. This clarification implements the Supreme Court's holding in the *CBIA* case. (62 Cal. 4th at 377 ("when a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users").) In this context, an effect that a project "risks exacerbating" is similar to an "indirect" effect. Describing "indirect effects," the CEQA Guidelines state: "If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect physical change in the environment." (State CEQA Guidelines § 15064(d)(2).) Just as with indirect effects, a lead agency should confine its analysis of exacerbating effects to those that are reasonably foreseeable. (*Id.* at subd. (d)(3).) Notably, by stating that EIRs should analyze effects that a project might "cause or risk exacerbating," this clarification also makes clear that EIRs need not analyze effects that the project does not cause directly or indirectly.

The third change deletes the sentences (using developing on a fault-line as an example of a hazard that requires analysis) that the Supreme Court specifically held exceeded CEQA's scope. This change is necessary to implement the Court's holding regarding the scope of analysis that CEQA requires.

Notably other laws require analysis of seismic hazards. Public Resources Code Section 2697, for example, requires cities and counties to prepare a site-specific geologic report prior to approval of most projects in a seismic hazard zone. Regulations further clarify that such "project shall be approved only when the nature and severity of the seismic hazards at the site have been evaluated in a geotechnical report and appropriate mitigation measures have been proposed." (Cal. Code Regs, tit. 14, § 3724.) Further, the California Building Code contains provisions requiring all buildings to be designed to withstand some seismic activity. (See, e.g., tit. 24, § 1613.1.)

The safety elements of local general plans will also describe potential hazards, including: "any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence; liquefaction; and other seismic hazards ..., and other geologic hazards known to the legislative body; flooding; and wildland and urban fires." (Gov. Code § 65302(g)(1).) Hazards associated with flooding, wildfire and climate change require special consideration. (*Id.* at subd. (g)(2)-(g)(4).) Lead agencies must "discuss any inconsistencies between the proposed project and applicable general plans" related to a project's potential environmental impacts in a project's environmental review. (State CEQA Guidelines § 15125(d).) Local governments may regulate land use to protect public health and welfare pursuant to their police power. (Cal. Const., art. XI, § 7; *California Building Industry Assn. v. City of San*

Jose (2015) 61 Cal. 4th 435, 455 (“so long as a land use restriction or regulation bears a reasonable relationship to the public welfare, the restriction or regulation is constitutionally permissible”).)

The fourth change clarifies that a project’s direct and indirect and cumulative effects may affect the hazardous condition, and therefore, must still be evaluated in CEQA. In fact, such effects are particularly important when a project locates in a hazardous location. For example, a project proposed on a coastline may not itself cause pre-existing erosive forces. However, according to the Court in the *CBIA* case, a lead agency would need to include any relevant hazards in the environmental document’s description of the environmental setting. Further, in the case of coastal development, if sea walls or other shoreline structures are necessary to protect the project from erosion, the sea wall may contribute to cumulative erosion impacts nearby on the coast. Such a development might also lead to indirect effects such as dispersion of pollutants from inundation, increased maintenance and repair-related construction, impedance of evacuation routes, increased demand on emergency services, etc. Thus, harm to the project would not mandate a finding of a significant effect; however, any environmental effects that might result from the harm to the project, and predictable responses to that harm, are properly evaluated in a CEQA evaluation.

The final addition clarifies that a lead agency should consider not just existing hazards, but the potential for increasing severity of hazards over time. This change is necessary because certain types of hazards are expected to be more severe in the future due to our changing climate. Examples include increased flooding (resulting from more precipitation falling as rain instead of snow as well as from rising sea levels) and more intense wildfires. These types of climate change impacts may worsen a proposed project’s direct, indirect, or cumulative environmental effects in the future. A lead agency need not engage in speculation regarding such effects. Rather, hazard zones may be clearly identified in authoritative maps, such as those found on the Cal-Adapt website (<http://cal-adapt.org/>), or in locally adopted general plan safety elements and local hazard mitigation plans. Notably, pursuant to new requirements in Government Code section 65302(g)(4), added by Senate Bill 379, general plans will identify “geographic areas at risk from climate change impacts[.]” Focus on both short-term and long-term effects is also necessary to implement express legislative policy. (Pub. Resources Code §§ 21001(d), (g); 21083(b)(1).)

Consideration of future conditions in determining whether a project’s impacts may be significant is consistent with CEQA’s rules regarding baseline. “[N]othing in CEQA law precludes an agency ... from considering both types of baseline—existing and future conditions—in its primary analysis of the project’s significant adverse effects.” (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal. 4th 439, 454.) “The key ... is the EIR’s role as an informational document.” (*Id.* at 453.)

New Subdivision (b), Relating to Energy Impacts

The Natural Resources Agency also added a new subdivision (b) to Section 15126.2 discussing the required contents of an environmental impact report. The new subdivision specifically addressed the required analysis of a project’s potential energy impacts which is currently

housed within Appendix F of the CEQA Guidelines. Appendix F was revised in 2009 to clarify that analysis of energy impacts is mandatory. The Agency adds a subdivision on energy impacts to further elevate the issue and remove any question about whether such an analysis is required.

As background, in 1974, the Legislature adopted the Warren-Alquist State Energy Resources Conservation and Development Act. (Pub. Resources Code, § 25000 et seq.) That act created what is now known as the California Energy Commission, and enabled it to adopt building energy standards. (See, e.g., *id.* at § 25402.) At that time, the Legislature found the “rapid rate of growth in demand for electric energy is in part due to wasteful, uneconomic, inefficient, and unnecessary uses of power and a continuation of this trend will result in serious depletion or irreversible commitment of energy, land and water resources, and potential threats to the state’s environmental quality.” (*Id.* at § 25002; see also § 25007 (“It is further the policy of the state and the intent of the Legislature to employ a range of measures to reduce wasteful, uneconomical, and unnecessary uses of energy, thereby reducing the rate of growth of energy consumption, prudently conserve energy resources, and assure statewide environmental, public safety, and land use goals”).)

The same year that the Legislature adopted Warren-Alquist, it also added section 21100(b)(3) to CEQA, requiring environmental impact reports to include “measures to reduce the wasteful, inefficient, and unnecessary consumption of energy.” As explained by a court shortly after that provision was enacted, the “energy mitigation amendment is *substantive* and not procedural in nature and was enacted for the purpose of requiring the lead agencies to focus upon the energy problem in the preparation of the final EIR.” (*People v. County of Kern* (1976) 62 Cal.App.3d 761, 774 (emphasis added).) It compels an affirmative investigation of the project’s potential energy use and feasible ways to reduce that use.

Though Appendix F of the CEQA Guidelines has contained guidance on energy analysis for decades, implementation among lead agencies has not been consistent. (See, e.g., *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 209.) While California is a leader in energy conservation, the importance of addressing energy impacts has not diminished since 1974. On the contrary, given the need to avoid the effects of climate change, energy use is an issue that we cannot afford to ignore. As the California Energy Commission’s Integrated Energy Policy Report (2016) explains:

Energy fuels the economy, but it is also the biggest source of greenhouse gas emissions that lead to climate change. Despite California’s leadership, Californians are experiencing the impacts of climate change including higher temperatures, prolonged drought, and more wildfires. There is an urgent need to reduce greenhouse gas emissions and increase the state’s resiliency to climate change. . . . ¶ . . . With transportation accounting for about 37 percent of California’s greenhouse gas emissions in 2014, transforming California’s transportation system away from gasoline to zero-emission and near-zero-emission vehicles is a fundamental part of the state’s efforts to meet its climate goals. . . . ¶ . . . Energy efficiency and demand response are also key components of the state’s strategy to reduce greenhouse gas emissions.

(*Id.* at pp. 5, 8, 10.)

Appendix F was revised in 2009 to clarify that analysis of energy impacts is mandatory. The Agency now adds a subdivision in section 15126.2 on energy impacts to further elevate the issue, and remove any question about whether such an analysis is required.

The first sentence clarifies that an EIR must analyze whether a project will result in significant environmental effects due to “wasteful, inefficient, or unnecessary consumption of energy.” This clarification is necessary to implement Public Resources Code section 21100(b)(3). Because the duty to impose mitigation measures arises when a lead agency determines that the project may have a significant effect, section 21100(b)(3) necessarily requires both analysis and a determination of significance in addition to energy efficiency measures. (Pub. Resources Code, § 21002.)

The second sentence further clarifies that all aspects of the project must be considered in the analysis. This clarification is consistent with the rule that lead agencies must consider the “whole of the project” in considering impacts. It is also necessary to ensure that lead agencies consider issues beyond just building design. (*See, e.g., California Clean Energy Com. v. City of Woodland, supra*, 225 Cal.App.4th at pp. 210-212.) The analysis of vehicle miles traveled provided in proposed section 15064.3 (implementing Public Resources Code section 21099 (SB 743)) on transportation impacts may be relevant to this analysis.

The third sentence signals that the analysis of energy impacts may need to extend beyond building code compliance. (*Ibid.*) The requirement to determine whether a project’s use of energy is “wasteful, inefficient, and unnecessary” compels consideration of the project in its context. (Pub. Resources Code, § 21100(b)(3).) While building code compliance is a relevant factor, the generalized rules in the building code will not necessarily indicate whether a particular project’s energy use could be improved. (*Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912, 933 (after analysis, lead agency concludes that project proposed to be at least 25% more energy efficient than the building code requires would have a less than significant impact); *see also* CEQA Guidelines, Appendix F, § II.C.4 (describing building code compliance as one of several different considerations in determining the significance of a project’s energy impacts).) That the Legislature added the energy analysis requirement in CEQA at the same time that it created an Energy Commission authorized to impose building energy standards indicates that compliance with the building code is a necessary but not exclusive means of satisfying CEQA’s independent requirement to analyze energy impacts broadly.

The new subdivision (b) also provides a cross-reference to Appendix F. This cross-reference is necessary to direct lead agencies to the more detailed provisions contained in that appendix.

Finally, new subdivision (b) cautions that the analysis of energy impacts is subject to the rule of reason, and must focus on energy demand caused by the project. This sentence is necessary to place reasonable limits on the analysis. Specifically, it signals that a full “lifecycle” analysis that would account for energy used in building materials and consumer products will generally not

be required. (See also Cal. Natural Resources Agency, Final Statement of Reasons for Regulatory Action: Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97 (Dec. 2009) at pp. 71-72.)

Necessity

The changes in subdivision (a) are necessary to assist lead agencies in applying the California Supreme Court's holding agencies subject to CEQA are generally are not required to analyze the impact of existing environmental conditions on a project's future users or residents unless the impacts of the project risk exacerbation of the impact. Further, the proposed changes will assist lead agencies in applying the principles identified by the California Supreme Court in the *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369 decision.

Additionally, it is necessary to add the language to the CEQA Guidelines regarding energy impact analyses because CEQA has long required energy impact analyses. However, the description of the required analysis is currently located in a stand-alone Appendix and goes largely unnoticed and implementation among lead agencies has not been consistent. Further, the proposed changes will assist lead agencies in applying the principles identified by courts in several recent cases, including *Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 Cal.App.4th 256.

The additional language in both subdivisions will ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with case law, and the proposed action adds no new substantive requirements. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15126.4. CONSIDERATION AND DISCUSSION OF MITIGATION MEASURES PROPOSED TO MINIMIZE SIGNIFICANT EFFECTS

Specific Purposes of the Amendment

When a lead agency identifies a potentially significant environmental impact, it must propose feasible mitigation measures in the environmental document for a project. (Pub. Resources Code, §§ 21002 (duty to mitigate), 21080(c)(2) (mitigated negative declaration), 21100(b)(3) (EIR must include mitigation measures).) The formulation of mitigation measures cannot be deferred until after project approval. (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92 (“reliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA’s goals of full disclosure and informed decisionmaking; and consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment”).)

Practical considerations, however, sometimes preclude development of detailed mitigation plans at the time of project consideration. In such cases, courts have permitted lead agencies to defer some of the *details* of mitigation measures provided that the agency commits itself to mitigation and analyzes the different mitigation alternatives that might ultimately be incorporated into the project. (See, e.g., *Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011, 1028–1030.)

A line of recent cases developed more specific rules on what details may or may not be deferred. (See, e.g., *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260; *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899; *City of Maywood v. Los Angeles Unified School Dist.* (2012) 208 Cal.App.4th 362; *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70; *Sheryl Gray v. County of Madera* (2008) 167 Cal.App.4th 1099; *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645; *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777; *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261.)

In light of those cases, and stakeholder requests for clarification in the CEQA Guidelines, the Natural Resources Agency made several amendments to Section 15126.4.

First, the amendments clarify in section 15126.4, subdivision (a)(1)(B), that the lead agency “shall” not defer identification of mitigation measures. This binding requirement is clearly stated in a number of cases. (See, e.g., *Preserve Wild Santee, supra*, 210 Cal.App.4th 260; *Rialto Citizens for Responsible Growth, supra*, 208 Cal.App.4th 899; *City of Maywood, supra*, 208 Cal.App.4th 362; *CBE, supra*, 184 Cal.App.4th 70; *Gray v. County of Madera, supra*, 167 Cal.App.4th 1099; *San Joaquin Raptor Rescue Center, supra*, 149 Cal.App.4th 645; *Endangered Habitats League, supra*, 131 Cal.App.4th 777; *Defend the Bay, supra*, 119 Cal.App.4th 1261.) Therefore, replacing the word ‘should’ with ‘shall’ conforms the Guidelines to case law. (State CEQA Guidelines § 15005.)

Second, the amendments describe situations when deferral of the *specific details* of mitigation may be allowable under CEQA, including which commitments the agency should make in the environmental document. Specifically, the amendments explain that deferral may be permissible when it is impractical or infeasible to fully formulate the details of a mitigation measure at the time of project approval and the agency commits to mitigation. (See, e.g., *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884 (deferral of mitigation was proper where practical considerations prohibited devising mitigation measures early in the planning process, and the agency committed to performance criteria); *Defend the Bay, supra*, 119 Cal.App.4th 1261 (deferral of specifics of mitigation measures was permissible where practical considerations prohibited devising such measures for a general plan amendment and zoning change); and *Preserve Wild Santee, supra*, 210 Cal.App.4th 260 (deferral of mitigation details was improper where performance standards were not specified and lead agency did not provide an explanation for why such standards were impractical or infeasible to provide at the time of certification of the EIR).)

Further, these changes clarify that when deferring the specifics of mitigation, the lead agency should adopt specific performance standards and provide a list of the types of possible mitigation measures that would achieve the standard. This approach is summarized in *Defend the Bay v. City of Irvine, supra*. In that case, the court stated that deferral may be appropriate where the lead agency “lists the alternatives to be considered, analyzed and possibly incorporated into the mitigation plan.” (*Defend the Bay, supra*, at p. 1275; see also *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376; *Rialto Citizens for Responsible Growth, supra*, 208 Cal.App.4th 899; *Gray v. County of Madera, supra*, 167 Cal.App.4th 1099; *San Joaquin Raptor Rescue Center, supra*, 149 Cal.App.4th 645; *Endangered Habitats League, supra*, 131 Cal.App.4th 777.)

Adoption of performance standards in the environmental document is described by the court in *Rialto Citizens for Responsible Growth v. City of Rialto, supra*. There, the court ruled that where mitigation measures incorporated specific performance criteria and were not so open-ended that they allowed potential impacts to remain significant, deferral was proper. (*Rialto Citizens for Responsible Growth, supra*, 208 Cal.App.4th 899; see also *Laurel Heights, supra*, 47 Cal.3d 376; *Preserve Wild Santee, supra*, 210 Cal.App.4th 260; *City of Maywood, supra*, 208 Cal.App.4th 362; *CBE, supra*, 184 Cal.App.4th 70; *Gray v. County of Madera, supra*, 167 Cal.App.4th 1099; *San Joaquin Raptor Rescue Center, supra*, 149 Cal.App.4th 645; *Endangered Habitats League, supra*, 131 Cal.App.4th 777.)

Finally, the amendments explain that such deferral may be appropriate “where another regulatory agency will issue a permit for the project and is expected to impose mitigation requirements independent of the CEQA process so long as the EIR included performance criteria and the lead agency committed itself to mitigation.” (*Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 237; see also *Oakland Heritage Alliance, supra*, 195 Cal.App.4th 884; *Defend the Bay, supra*, 119 Cal.App.4th 1261.)

Necessity

The amendments are necessary to bring the current CEQA Guidelines in conformance to recent case law. The amendments will ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with case law. Additionally, the proposed action adds no new substantive requirements. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15152. TIERING

Specific Purposes of the Amendment

The tiering concept authorized in this section is designed to promote efficiency in the CEQA review process. This section recognizes that the approval of many projects will move through a series of separate public agency decisions, going from approval of a general plan, to approval of an intermediate plan or zoning, and finally to approval of a specific development proposal. Tiering focuses environmental review on the environmental issues that are relevant to the approval being considered. At the same time, tiering requires the lead agency to analyze reasonably foreseeable significant effects and does not allow deferral of such analysis to a later tier document.

The Natural Resources Agency has updated CEQA Guidelines, Section 15152, subdivision (h). That section currently states that "[t]here are various types of EIRs that may be used in a tiering situation." The Agency rewrote that section to clarify that tiering is only one of several streamlining mechanisms that can simplify the environmental review process. (See, e.g., CEQA Guidelines, § 15006 (lists methods to reduce or eliminate duplication in the CEQA process).) Tiering is one such efficiency measure. (See, e.g., Pub. Resources Code, § 21093 (states that

tiering may be appropriate “to exclude duplicative analysis” completed in previous EIRs), § 21094 (states that a lead agency may examine significant effects of a project by using a tiered EIR.) Public Resources Code Section 21094 is broadly worded to potentially be used for any number of programs, plans, policies, or ordinances, with a wide variety of content. (*Ibid.*) In adopting Section 21094, the legislature did not indicate that it intended to replace any other streamlining mechanisms. For example, the legislature did not override existing provisions including, but not limited to, Program EIRs (CEQA Guidelines, § 15168) and projects consistent with general plans (Pub. Resources Code, § 21083.3). In fact, the legislature created additional streamlining mechanisms after tiering was adopted. (See, e.g., Pub. Resources Code, § 21157 (Master EIR), § 21158 (Focused EIR).) Thus, this revision clarifies that tiering describes one mechanism for streamlining the environmental review process, but where other methods have more specific provisions, those provisions shall apply. The revision also adds infill streamlining to the list of specialized streamlining tools.

Necessity

The amendments are necessary to clarify that tiering describes one mechanism for streamlining the environmental review process, but where other methods have more specific provisions, those provisions shall apply. The amendments will ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency’s Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency’s determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with Public Resources Code as well as internally consistent with other sections of the CEQA Guidelines. The proposed action adds no new substantive requirements. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15155. CITY OR COUNTY CONSULTATION WITH WATER AGENCIES

Specific Purposes of the Amendment

California recently experienced the worst water crisis in our state’s modern history over multiple consecutive years of extremely dry conditions. During that time, precipitation and snowpack were a small fraction of their normal averages, reservoirs were at extremely low levels, and rivers had severely diminished flows. In response to the growing crisis, Governor Brown proclaimed a [state of emergency](#) in January 2014 and called on all Californians to reduce their water consumption by 20 percent. In April 2014, the Department of Water Resources announced a five percent allocation of the State Water Project—the lowest ever. (DWR, [Water Conditions](#).) Allocations remained low in 2015. The State Water Resources Control Board began to notify water rights holders that they must curtail their diversions in certain watersheds. (See State Water Resources Control Board, “[Notices of Water Availability \(Curtailment and Emergency Regulations\)](#)”). In September 2014, Governor Brown signed into law the [Sustainable Groundwater Management Act](#), historic legislation to strengthen local management and monitoring of groundwater basins most critical to the state's water needs. Responding to continuing dry conditions, in April 2015, the Governor issued Executive Order B-29-15, calling on Californians to redouble their water conservation efforts. Specifically, urban water agencies are required to reduce water use by a combined 25 percent. After unprecedented water conservation efforts and high levels of winter water and snow, Governor Brown issued Executive Order B-40-17 in April 2017, lifting the drought emergency in all counties except Fresno, Kings, Tulare, and Tuolumne.

Even so, climate change is expected to increase long-term variability in California’s water supplies. (Esther Conrad, “[Preparing for New Risks: Addressing Climate Change in California’s Urban Water Management Plans](#)” (June 2013).)

The Department of Water Resources has identified several climate change effects that could affect water supplies, including:

- **Water Demand** — Hotter days and nights, as well as a longer irrigation season, will increase landscaping water needs, and power plants and industrial processes will have increased cooling water needs.
- **Water Supply and Quality** — Reduced snowpack, shifting spring runoff to earlier in the year ..., increased potential for algal bloom, and increased potential for seawater intrusion—each has the potential to impact water supply and water quality.
- **Sea Level Rise** — It is expected that sea level will continue to rise, resulting in near shore ocean changes such as stronger storm surges, more forceful wave energy, and more extreme tides. This will also affect levee stability in low-lying areas and increase flooding.
- **Disaster** — Disasters are expected to become more frequent as climate change brings increased climate variability, resulting in more extreme droughts and floods. This will challenge water supplier operations in several ways as wildfires are expected to become larger and hotter, droughts will become deeper and longer, and floods can become larger and more frequent.

(Department of Water Resources, “[Guidebook to Assist Urban Water Suppliers to Prepare a 2010 Urban Water Management Plan](#),” (March 2011), at G-3.) These risks are now being incorporated into long-term water supply planning.

California courts have long recognized CEQA’s requirement to analyze the adequacy of water supplies needed to serve a proposed project. (See, e.g., *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818.) Accordingly, the sample initial study checklist in Appendix G asks whether the project would have “sufficient water supplies available to serve the project....” (CEQA Guidelines, App. G., § XVII(d).)

In recent years, the California Legislature added water supply assessment and verification requirements for certain types of projects. (See Wat. Code, §§ 10910 et seq. (water supply assessments); Gov. Code, § 66473.7 (water supply verifications).) Shortly after those statutory requirements were enacted, the California Supreme Court articulated several principles describing the content requirements for an adequate water supply evaluation in CEQA. (*Vineyard, supra*, 40 Cal.4th 412.) The Natural Resources Agency added section 15155 to the CEQA Guidelines to describe the consultation and documentation that must be occur between water suppliers and lead agencies. (CEQA Guidelines, § 15155.) Because that section was developed before the Supreme Court’s decision in *Vineyard*, it focuses on compliance with the consultation requirements in SB 610, and does not discuss the issue of adequacy of a water supply analysis in CEQA more broadly.

CEQA Guidelines section 15155 describes the process city or county lead agencies must follow with respect to the development of a water supply assessment for specified types of projects and required the inclusion of the water supply assessment and other information in any environmental document prepared for the project. Because water is such a critical resource in California, and because California courts have required specific content in environmental documents regarding water supply, the Natural Resources Agency proposes to revise section 15155 to incorporate the adequacy principles described in the Supreme Court’s decision in *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412. Doing so should ensure that lead agencies consistently develop the information needed to evaluate the impacts associated with providing water to their projects.

New Subdivision (f) – Water Supply Analysis and Degree of Specificity

The Natural Resources Agency added a new subdivision (f) to section 15155 to set forth the content requirements for a water supply analysis in CEQA. While subdivision (f) describes these content requirements, it is important to note that the Agency is not creating new requirements. Rather, it is merely stating explicitly in the CEQA Guidelines the Supreme Court’s holding in the *Vineyard* case. (See, Pub. Resources Code, § 21060.5 (“environment” defined as “the physical conditions that exist within the area which will be affected by a proposed project, including ... water ...”); *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal. 4th 412 (setting forth the required elements of a water supply analysis).)

The first two sentences in subdivision (f) state the rule that the level of certainty regarding water supplies will increase as the analysis moves from general to specific. (*Vineyard, supra*, 40 Cal. 4th at 434 (“we emphasize that the burden of identifying likely water sources for a project varies with the stage of project approval involved; the necessary degree of confidence involved for approval of a conceptual plan is much lower than for issuance of building permits”).) This rule is consistent with other portions of the CEQA Guidelines governing forecasting and the degree of specificity required in environmental documents. (CEQA Guidelines, §§ 15144 “[w]hile foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can”), 15146 (“degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR”).)

Subdivision (f)(1) – Purpose

Subdivision (f)(1) states the requirement that a water supply analysis provide enough information to the lead agency to evaluate the pros and cons of providing water to the project. (*Vineyard, supra*, 40 Cal. 4th at 431; *Santiago, supra*, 118 Cal. App. 3d at pp. 829-831.) This will necessarily require information regarding the project’s water demand as well as the quantity of water that is available to serve the project.

Subdivision (f)(2) – Environmental Impacts of Supplying the Water

Subdivision (f)(2) states the requirement to analyze the environmental effects of supplying water to the project. This sentence further specifies that the analysis must account for all phases of the project. (*Vineyard, supra*, 40 Cal. 4th at 431 (“an adequate environmental impact analysis for a large project, to be built and occupied over a number of years, cannot be limited to the water supply for the first stage or the first few years”).) This is an important clarification because the water supply assessment and verification statutes only require looking twenty years into the future. Some projects may have a lifespan of fifty or more years. In that circumstance, some degree of forecasting may be required. (CEQA Guidelines § 15144.) Pure speculation, however, is not required. (*Id.* at § 15145.)

Additionally, the focus of this subdivision should be on the environmental impacts associated with a particular water supply. (*Vineyard, supra*, 40 Cal. 4th at 434 (the “ultimate question under CEQA ... is not whether an EIR establishes a likely source of water, but whether it adequately addresses the reasonably foreseeable impacts of supplying water to the project”) (emphasis in original).) For example, after establishing the amount of water a project will need, the analysis might examine whether supplying that amount from groundwater might lead to subsidence or unsafe yield, or whether diverting that amount from surface flow might adversely affect fish and wildlife.

Subdivision (f)(3) – Circumstances Affecting the Likelihood of Supplies

Since water supply availability is variable in California, subdivision (f)(3) requires acknowledging any circumstances that might affect the availability of water supplies identified for a project. (*Vineyard, supra*, 40 Cal. 4th at 432 (an environmental document “must address the impacts of likely future water sources, and the EIR’s discussion must include a reasoned analysis of the circumstances affecting the likelihood of the water’s availability”).) The magnitude of variability should also be disclosed. (*Id.* at p. 434 (“an EIR may satisfy CEQA if it acknowledges the degree of uncertainty involved”).) Subdivision (f)(3) also provides a list of circumstances that might potentially affect water supplies, including but not limited to: “drought, salt-water intrusion, regulatory or contractual curtailments, and other reasonably foreseeable demands on the water supply.”

Subdivision (f)(4) – Alternatives and Mitigation

Subdivision (f)(4) provides that when supplies for the project are not certain, the analysis should address alternatives. (*Vineyard, supra*, 40 Cal. 4th at 432.) Again, the focus of the analysis should be on the environmental impacts that would flow from using those alternative sources of supply. (*Ibid.*) However, the level of detail of that analysis need not be as great as that provided for the project itself. (See, CEQA Guidelines § 15126.6(d) (“If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed”).) Thus, subdivision (f)(4) states that the analysis of impacts from alternative sources should be stated “at least in general terms.” (*Napa Citizens for Honest Government v. Napa County Bd. of Sup.* (2001) 91 Cal. App. 4th 342, 373.) Further, subdivision (f)(4) provides that in addition to analyzing alternative water supplies when identified supplies are uncertain, a lead agency may also consider project alternatives that require less water. For example, if supplies are certain up to a certain amount, a lead agency should be able to consider alternative project designs that would use less water and that could be confidently served.

Finally, subdivision (f)(4) provides that if water supplies are not certain, and if the agency has fully analyzed water supply availability as described above, curtailing later project phases may be an appropriate mitigation measure.

Necessity

The additions are necessary to ensure that the CEQA Guidelines are consistent with current case law. The amendments will ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency’s Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with the Public Resources Code as well as current case law. The proposed action adds no new substantive requirements. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15168. PROGRAM EIR

Specific Purposes of the Amendment

Administrative efficiency has long been an explicit policy in CEQA. (See Pub. Resources Code, § 21003(f) (statement of legislative intent that "[a]ll persons and public agencies involved in the environmental review process be responsible for carrying out the process in the most efficient, expeditious manner in order to conserve the available financial, governmental, physical, and social resources with the objective that those resources may be better applied toward the mitigation of actual significant effects on the environment").) The CEQA Guidelines encourage efficiency in several ways, including the provisions regarding program EIRs.

Program EIRs can be used to evaluate a series of connected actions, such as adoption and implementation of regulations or land use plans, in one environmental document. Section 15168 of the CEQA Guidelines governs the preparation and later use of program EIRs. It suggests that program EIRs are particularly useful in addressing big picture alternatives and cumulative impacts. When a program EIR is sufficiently detailed, later activities may be approved on the basis of that document without conducting further environmental review. The key question in determining whether additional review is required is whether the later activity falls "within the scope" of the program analyzed in the EIR. (CEQA Guidelines, § 15168(c)(2).)

Courts have treated the determination of whether an activity is within the scope of a program EIR to be a question of fact to be resolved by the lead agency. Several organizations representing CEQA practitioners have suggested that additional guidance should be provided to help lead agencies make that determination. (See, "[Recommendations for Updating the State CEQA Guidelines](#)," American Planning Association, California Chapter; Association of Environmental Professionals; and Enhanced CEQA Action Team (August 30, 2013).)

In response to those cases, and suggestions from stakeholders, the Natural Resources Agency updated Section 15168 on Program EIRs.

First, the additions to subdivision (c)(2) clarify that the determination of whether a later activity falls within the scope of the program EIR is a question of fact to be resolved by the lead agency, and supported with substantial evidence in the record. This addition implements judicial opinions that have addressed the issue. (See, e.g., *Citizens for Responsible Equitable Environmental Development v. City of San Diego Redevelopment Agency* (2005) 134 Cal.App.4th 598, 610 (*CREED*) (“the fair argument standard does not apply to judicial review of an agency’s determination that a project is within the scope of a previously completed EIR”); *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1320-1321 (“evidence does not support a determination that [the] proposed site-specific project was either the same as or within the scope of the project, program, or plan described in the program EIR”).)

Second, the additions to subdivision (c)(2) provide a list of factors that may assist a lead agency in determining whether a later activity is within the scope of a program EIR. Again, those factors have been recognized in judicial opinions as being instructive. Those factors include:

- Consistency with allowable land uses included in the project description (*compare Sierra Club, supra*, 6 Cal.App.4th at pp. 1320-1321 (later activity could not have been within the scope of the prior EIR because it involved engaging “in terrace mining on land which was specifically designated in the Plan as an agricultural resource”) *with CREED, supra*, 134 Cal.App.4th at p. 616 (“the Community Plan designated the area where the hotel [project] is to be built as a “Commercial/Office District” in which “hotels and motels” would be emphasized as among the allowable land uses”));
- Consistency with densities and building intensities included in the project description (see *ibid* (the “MEIR forecast[ed] that a total of 5,880 additional hotel rooms would be constructed over a 35-year period within the Planning Area, and expressly contemplate[d] the completion of the Horton Plaza Redevelopment Project, which the hotel project will complete”));
- Being within the geographic area that the program EIR analyzed for potential impacts (see, e.g., *Santa Teresa Citizen Action Group v. City of San Jose* (2003) 114 Cal.App.4th 689, 704 (the project “will use recycled water in the same way and in the same general location evaluated by the previous studies”));
- Being included in the infrastructure described in the program EIR (see *ibid*).

Notably, this list of factors is not intended to be exclusive.

Third, the Natural Resources Agency added a sentence to subdivision (c)(1) to clarify how to proceed with the analysis of a later activity that a lead agency determines is not “within the scope” of the program EIR. Specifically, the new sentence states that if additional analysis is needed, that analysis should follow the tiering process described in section 15152. This addition is necessary to clarify that even if a project is not “within the scope” of a program EIR, the lead agency might still streamline the

later analysis using the tiering process. This might allow a lead agency, for example, to focus the analysis of the later activity on effects that were not adequately analyzed in the program EIR. (See CEQA Guidelines, § 15152(d).) This addition promotes administrative efficiency. (Pub. Resources Code, § 21093(b) (“environmental impact reports shall be tiered whenever feasible”).) This addition also follows the analysis in the *Sierra Club* decision, which addressed the relationship between program EIRs and tiering. (*Sierra Club, supra*, 6 Cal.App.4th at pp. 1320-1321 (because the project was not within the scope of the program EIR, “section 21166 was inapplicable, and the [agency] was obligated by section 21094, subdivision (c), to consider whether [the] site- specific new project might cause significant effects on the environment that were not examined in the prior program EIR”).)

Fourth, in subdivision (c)(5), the Natural Resources Agency notes that program EIRs will be most useful for evaluating later activities when those activities have been included in the program EIR’s project description. (*CREED, supra*, 134 Cal.App.4th at p. 616.)

Finally, the Natural Resources Agency made minor word changes throughout this section to improve clarity.

Necessity

This addition is necessary to clarify rules from case law governing whether a project is “within the scope” of a program EIR. These additions are also necessary to assist lead agencies in making the CEQA process as efficient as possible. Finally, these changes are necessary to ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency’s Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency’s determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with the Public Resources Code as well as current case law and to add clarity. The proposed action adds no new substantive requirements. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15182. RESIDENTIAL PROJECTS PURSUANT TO A SPECIFIC PLAN

Specific Purposes of the Amendment

In 1978, Governor Brown adopted California's first Environmental Goals and Policy Report. Known as the Urban Strategy, it set forth key statewide environmental goals as well as an action plan to attain those goals. One of the recommendations in the action plan was to exempt certain types of projects that are consistent with a specific plan from further CEQA review. ([An Urban Strategy for California](#) (February 1978), at p. 14.) Shortly after adoption of the Urban Strategy, the legislature created an exemption, found in the Government Code, for residential projects that are consistent with a specific plan. (See Gov. Code, § 65453 (added in 1979, later renumbered to section 65457).) That exemption is described in existing section 15182 of the CEQA Guidelines.

The exemption in the Government Code was much more limited than the Urban Strategy's original recommendation. First, its provisions were difficult to apply in practice. For example, if changed circumstances occurred, the exemption could not be used until a supplemental EIR was prepared to cover the entire specific plan, even if the analysis remained valid for the individual project. Second, rather than exempting a variety of uses, section 65457 exempts only purely residential development. Commercial projects, or even projects that included a commercial component, could not use the exemption. In the decades since the exemption was first enacted, planners have recognized that promoting mixed use developments may reduce land consumption, air pollution, and other environmental ills.

In 2013, Governor Brown's administration proposed, and the Legislature enacted, a set of amendments to CEQA designed to better align the statute with other environmental goals, including the reduction of greenhouse gas emissions and promotion of infill development. ([Senate Bill 743, Steinberg 2013](#).) One of those amendments added section 21155.4 to the Public Resources Code. That section resembles Government Code section 65457, but extends beyond purely residential projects to include commercial and mixed-use projects as well. The trigger for requiring additional review also is more closely tied to the project under consideration, instead of to the entire specific plan area. This expanded exemption is available to projects that are located near transit and that are consistent with regional plans for reducing greenhouse gas emissions.

Section 15182 of the CEQA Guidelines discusses special provisions regarding specific plans. The Natural Resources Agency updated existing CEQA Guidelines section 15182 to reflect the new exemption in Public Resources Code section 21155.4 as well as the exemption in Government Code section 65457. The Agency included cross-references for further clarification to alert planners of the relevant statute of limitations. The specific amendments are explained in detail below.

Subdivision (a)

The Natural Resources Agency reorganized section 15182 to describe both the exemption in Public Resources Code section 21155.4 as well as the exemption in Government Code section 65457. As amended, subdivision (a) is a general section that points to the more specific provisions in subdivisions (b) and (c). Importantly, subdivision (a) clarifies that a specific plan is a plan that is adopted pursuant to the requirements set forth in Article 8, Chapter 3 of the Government Code. This clarification is necessary because cities and counties may give qualifying plans various titles, such as Master Plan or Downtown Plan. So long as the plan includes the contents described in the Government Code, it should enable use of the exemptions described in section 15182.

Subdivision (b)

As amended, subdivision (b) contains the provisions applicable to projects within transit priority areas.

Subdivision (b)(1) describes the eligibility criteria for use of the exemption. Those eligibility criteria are drawn directly from Section 21155.4(a). Notably, while section 21155.4 uses the term “employment center project,” proposed subdivision (b)(1) clarifies that term by referring to a commercial project with a floor area ratio of at least 0.75. (See Pub. Resources Code § 21099(a)(1) (defining “employment center project”).

Subdivision (b)(2) describes the limitation to the exemption. Specifically, it clarifies that additional review may be required if the project triggers one of the requirements for further review described in section 15162. New review may be required if, for example, the project requires changes in the specific plan that would result in new or worse significant impacts, or if circumstances have changed since adoption of the specific plan that would lead to new or worse significant impacts.

Subdivision (b)(3) includes a cross reference to the statute of limitation periods described in section 15112. This subdivision is necessary to alert planners that, unlike the exemption in section 65457 which provides for a 30 day statute of limitations regardless of whether a notice of exemption is filed, the exemption in section 21155.4 is subject to CEQA’s normal statute of limitations.

Subdivision (c)

As amended, subdivision (c) contains the provisions that apply to purely residential projects. The content in subdivision (c) largely mirrors the text in existing section 15182. The Natural Resources Agency made several clarifications, however. For example, section 15182 currently states that no further environmental impact report or negative declaration is required for residential projects that are consistent with a specific plan. Section 65457 actually states that such projects are exempt from any of CEQA requirements, not just preparation of a new environmental document. Therefore, the Agency clarified in subdivision (c) that such projects are exempt.

Also, the Natural Resources Agency pulled the existing description of the special statute of limitations into subdivision (c)(3).

Subdivision (d)

Subdivision (d) in existing section 15182 allows local governments to collect fees to cover the cost of preparing a specific plan. That authority is found in Government Code section 65456. Because fees may be collected to cover the preparation of specific plans, regardless of whether the plans cover residential, commercial or other uses, the Natural Resources Agency has left subdivision (d) as currently written.

Necessity

This clarification is necessary to alert planners to the important differences between two similar statutory exemptions for projects that are consistent with a specific plan. Additionally, clarification is necessary to alert planners of the relevant statute of limitations. The amendments will ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with current law. The proposed action adds no new substantive requirements. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

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15222. PREPARATION OF JOINT DOCUMENTS

Specific Purposes of the Amendment

This section strongly encourages state and local agencies to work with the federal agency involved with the same projects.

The Natural Resources Agency amended CEQA Guidelines section 15222 to add a sentence encouraging a lead agency to enter into a Memorandum of Understanding with appropriate Federal agencies. This addition will encourage increased cooperation between the state and Federal agencies to coordinate project requirements, timelines, and reduce duplication under CEQA and NEPA provisions. The White House Council on Environmental Quality and the California Governor's Office of Planning and Research (OPR) jointly prepared a handbook, "NEPA and CEQA: Integrating Federal and State Environmental

Reviews,” that included a sample Memorandum of Understanding to assist state and Federal agencies in this process. (Available online at http://opr.ca.gov/docs/NEPA_CEQA_Handbook_Feb2014.pdf.)

Necessity

This amendment is necessary to ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency’s Reasons for Rejecting Those Alternatives

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15234. REMEDIES AND REMAND

Specific Purposes of the Amendment

CEQA is in most instances enforced through a form of judicial review known as a writ of mandate proceeding.⁵ In reviewing a petition for writ of mandate, the court examines an agency’s administrative record to determine whether it properly implemented CEQA in connection with a project approval. If the court concludes that the agency did not comply with CEQA, it may order the agency to take further action before proceeding with the project. At that

⁵ Exceptions apply where challenges to certain types of agency actions specifically require a different procedure. For example, Government Code section 56103 requires that any challenge to any change of organization, reorganization, or sphere of influence determination approved by a local agency formation commission be accomplished through a validating action pursuant to Code of Civil Procedure section 860 et seq. (See *Protect Agricultural Land v. Stanislaus County Local Agency Formation Com.* (2014) 223 Cal.App.4th 550.)

point, questions may arise regarding what further environmental review is needed, and what project activities, if any, may continue while the agency takes further action. Proposed new section 15234 will assist agencies in complying with CEQA in response to a court's remand, and help the public and project proponents understand the effect of the remand on project implementation. Specifically, proposed new section 15234 reflects the language of the statutory provision governing remedies in CEQA cases, Public Resources Code section 21168.9, as well as case law interpreting that statute.

The Natural Resources Agency added a new section to the CEQA Guidelines, Section 15234, to codify the California Supreme Court's ruling in *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal. 4th 439, among other cases interpreting Section 21168.9. The court in that case held that not every violation of CEQA will compel a court to set aside project approvals and further explained that the court may order the agency to set aside all or a portion of the project approvals, and may require the agency to conduct additional environmental review.

Subdivision (a) of new Section 15234 is necessary to explain to public agencies and the public how CEQA litigation may affect project implementation. First, it clarifies that not every violation of CEQA will compel a court to set aside project approvals. Public Resources Code Section 21005 provides that "courts shall continue to follow the established principle that there is no presumption that error is prejudicial." The California Supreme Court recently reiterated that "[i]nsubstantial or merely technical omissions are not grounds for relief." (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal. 4th 439, 463.) In order to justify setting aside a project approval, a violation must "preclude relevant information from being presented to the public agency." (Pub. Resources Code, § 21005, subd. (a).)

Second, subdivision (a) states that, except as provided in Public Resources Code section 21168.9 itself, CEQA does not limit the traditional equitable powers of the judicial branch and that remedies may be tailored based on the circumstances of the project. It further explains that the court may order the agency to set aside all or a portion of the project approvals, and may require the agency to conduct additional environmental review.

Next, subdivision (b) clarifies that in certain circumstances, portions of the project approvals or the project itself may proceed while the agency conducts further review. Specifically, Section 21168.9 of the Public Resources Code provides that a court may allow certain project approvals or activities to proceed as long as continued implementation of the project would not prevent the agency from fully complying with CEQA. In 1993, the legislature amended that section "to expand the authority of courts to fashion a remedy that permits a part of the project to continue while the agency seeks to correct its CEQA violations." (*Poet, LLC v. State Air Resources Bd.* (2013) 218 Cal.App. 4th 681, 756.)

Next, subdivision (c) codifies the outcome in *Poet, LLC v. State Air Resources Bd.* (2013) 218 Cal. App. 4th 681, in which the Court of Appeal found that the California Air Resources Board had

failed to fully comply with CEQA in enacting Low Carbon Fuel Standards regulations, but nevertheless exercised its equitable discretion to leave the challenged regulations in place during the remand period. The court reasoned that a remedy that left the regulations in place would achieve a higher level of environmental protection than would a remedy that left them inoperative.

Finally, subdivision (d) addresses how an agency should proceed with additional environmental review if required by a court. Specifically, it indicates that where a court upholds portions of an agency's environmental document, additional review of topics covered in the upheld portions is only required if the project or circumstances surrounding the project have changed in a way that results in new or worse environmental impacts. To illustrate, assume that a court concludes that an agency's analysis of noise impacts is inadequate, but that the remainder of its environmental impact report complies with CEQA. The agency may prepare a revised environmental impact report that focuses solely on noise. It would only need to revise the air quality analysis, for example, if the agency concluded that changes in the circumstances surrounding the project would result in substantially more severe air quality impacts.

Necessity

The new CEQA Guidelines section is necessary to explain to public agencies how CEQA litigation may affect project implementation and to ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives

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Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

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15269. EMERGENCY PROJECTS.

Specific Purposes of the Amendment

This section identifies the emergency exemptions from CEQA. The Natural Resources Agency amended subdivisions (b) and (c) of Section 15269. Currently, subdivisions (b) and (c) state that emergency repairs may be exempt under CEQA and that this exemption does not apply to long-term projects undertaken for the purpose of preventing or mitigating an emergency. The Agency added a sentence to subdivision (b) clarifying that emergency repairs may require planning and qualify under this exemption. Further, the Agency added two subsections under subdivision (c) clarifying how imminent an emergency must be to fall within the statutory exemption. (See *CalBeach Advocates v. City of Solana Beach* (2002) 103 Cal.App.4th 529, 537 (emergency repairs need not be “unexpected” and “in order to design a project to prevent an emergency, the designer must anticipate the emergency”).

Necessity

These additions are necessary to clarify the application of this emergency exemption and to maintain consistency with a Court of Appeal decision stating that an emergency repair may be anticipated and to ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency’s Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency’s determination that the proposed action is necessary to update the CEQA Guidelines to clarify current case law. The proposed action adds no new substantive requirements. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15301. EXISTING FACILITIES

Specific Purposes of the Amendment

Section 15301 of the CEQA Guidelines exempts ongoing operations and minor alterations of existing facilities from CEQA. The key in determining whether the exemption applies is whether the project involves an expansion to an existing use. Projects that involve no or only a negligible expansion may be exempt. This exemption plays an important role in implementing the state's goal of prioritizing infill development.

The Natural Resources Agency made two changes to Section 15301.

The first change appears in the first sentence of the exemption. It deletes the phrase "beyond that existing at the time of the lead agency's determination." Stakeholders noted that this phrase could be interpreted to preclude use of the exemption if a facility were vacant "at the time of the lead agency's determination," even if it had a history of productive use, because compared to an empty building, *any* use would be an expansion of use. (See, [Comments of the Building Industry Association](#), August 30, 2013.) Such an interpretation is inconsistent with California's policy goals of promoting infill development.

It would also not reflect recent case law regarding "baseline." Those cases have found that a lead agency may look back to historic conditions to establish a baseline where existing conditions fluctuate, again provided that it can document such historic conditions with substantial evidence. (See *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 327-328 ("Environmental conditions may vary from year to year and in some cases it is necessary to consider conditions over a range of time periods") (quoting *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 125); see also *Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316.)

The phrase at issue was apparently added in response to *Bloom v. McGurk* (1994) 26 Cal.App.4th 1307. The court in that case was asked to decide whether the fact that the facility in question had never undergone CEQA review triggered an exception to the exemption. In analyzing that question, the court in *Bloom* relied on the analysis of a prior Supreme Court decision. It explained:

Under *Wine Train's* analysis, the term "existing facility" in the class 1 exemption would mean a facility as it exists at the time of the agency's determination, *rather than a facility existing at the time CEQA was enacted*. For purposes of the exception to the categorical exemptions, "significant effect on the environment" would mean a change in the environment existing at the time of the agency's determination, rather than a change in the environment that existed when CEQA was enacted.

(*Id.* at p. 1315 (citing *Napa Valley Wine Train, Inc. v. Public Utilities Com.* (1990) 50 Cal.3d 370, 378, fn. 12) (emphasis added).) Nothing in that decision indicates, however, that a lead agency could not consider actual historic use in deciding whether the project would expand beyond that use.

The second change appears in subdivision (c). The purpose of this change is to clarify that improvements within a public right of way that enable use by multiple modes (i.e., bicycles, pedestrians, transit, etc.) would normally not cause significant environmental impacts. This change is consistent with the Complete Streets Act of 2008, which requires cities and counties to plan for the needs of all users of their streets. In this regard, because such improvements involve operation of public rights of way, they may be similar to the imposition of water conservation requirements for existing water facilities (see, *Turlock Irrigation Dist. v. Zanker* (2006) 140 Cal. App. 4th 1047, 1065), or the regulation of the right of way for parking (see, *Santa Monica Chamber of Commerce v. City of Santa Monica* (2002) 101 Cal.App.4th 786, 793 (“it is clear that the Class 1 exemption applies to the legislation/project here[; it] involves adjusting the particular group of persons permitted to use ‘existing facilities,’ in other words, the existing, unmetered, curbside parking on residential streets”)). Improvements to the existing right of way have long been understood to fall within the category of activities in subdivision (c), provided that the activity does not involve roadway widening. (See, *Erven v. Board of Supervisors* (1975) 53 Cal. App. 3d 1004.)

Necessity

These additions are necessary to maintain consistency between this CEQA Guideline section and current case law. These additions are also necessary to ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency’s Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency’s determination that the proposed action is necessary to update the CEQA Guidelines to clarify current case law. The proposed action adds no new substantive requirements. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15357. DISCRETIONARY PROJECT

Specific Purposes of the Amendment

The Natural Resources Agency has amended Section 15357 to clarify that a discretionary project is one in which a public agency can shape the project in any way to respond to concerns raised in an environmental impact report. This addition reflects various cases distinguishing the term “discretionary” from the term “ministerial.” (See, e.g., *Friends of Westwood, Inc. v. City of Los Angeles* (1987) 191 Cal.App.3d 259, 267 (“[T]he touchstone is whether the approval process involved allows the government to shape the project in any way that could respond to any of the concerns ... in an environmental impact report”).) The California Supreme Court and Fourth District Court of Appeal have consistently followed this interpretation. (See, e.g., *Mountain Lion Foundation v. Fish & Game Comm.* (1997) 16 Cal.4th 105, 177; *San Diego Navy Broadway Complex Coalition v. City of San Diego* (2010) 185 Cal.App.4th 924, 933; *Friends of Juana Briones House v. City of Palo Alto* (2010) 190 Cal.App.4th 286, 299.) This clarification is necessary to maintain consistency in determining “discretionary” projects and to improve practitioners’ ability identify when a project is required to complete environmental review under CEQA.

The Natural Resources Agency also added the words “fixed standards” to the end of the first sentence in the definition to be consistent with the holding in *Health First v. March Joint Powers Authority* (2009) 174 Cal. App. 4th 1135. Notably, the definition of “discretionary” in these Guidelines should be read in context with other statutes. For example, Government Code sections 65583(a)(4) and 65583.2(h) require that local governments zone specified areas for specified uses for “use by right.” In those circumstances, local government review cannot be considered discretionary pursuant to CEQA.

Necessity

This clarification is necessary to maintain consistency in determining “discretionary” projects and to improve practitioners’ ability identify when a project is required to complete environmental review under CEQA. This change is necessary to ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would lessen Any Adverse Impact on Small Business, and the Resources Agency’s Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency’s determination that the proposed action is necessary to update the CEQA Guidelines to clarify current case law as well as other statutory law. The proposed action adds no new substantive requirements. The Agency rejected the no action alternative because it would not achieve the

objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

15370. MITIGATION

Specific Purposes of the Amendment

The definition of the term “mitigation” in the CEQA Guidelines originally mirrored the definition contained in the federal NEPA regulations. The Natural Resources Agency revised Section 15370 of the CEQA Guidelines, however, to clarify in the CEQA Guidelines that permanent protection of off-site resources through conservation easements constitutes mitigation. The proposed changes incorporate the First District Court of Appeal holding in *Masonite Corporation v. County of Mendocino* (2013) 218 Cal.App.4th 230 wherein the court ruled that off-site agricultural conservation easements constitute a potential means to mitigate for direct, in addition to cumulative and indirect, impacts to farmland.

Necessity

These additions are necessary to maintain consistency between this CEQA Guideline section and current case law. These additions are also necessary to ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency’s Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency’s determination that the proposed action is necessary to update the CEQA Guidelines to clarify current case law. The proposed action adds no new substantive requirements. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

APPENDIX G. ENVIRONMENTAL CHECKLIST FORM

Specific Purposes of the Amendment

Appendix G in the CEQA Guidelines contains a sample initial study format. The purpose of an initial study is to assist lead agencies in determining whether a project may cause a significant impact on the environment. (CEQA Guidelines, § 15063.) To help guide that determination, Appendix G asks a series of questions regarding a range of environmental resources and potential impacts. Appendix G's questions are not an exhaustive list of all potential impacts. (*Protect the Historic Amador Waterways, supra*, 116 Cal.App.4th at pp. 1109-1112 (seasonal reduction of surface flow in local streams may be an impact on the environment, even though that particular impact is not specifically listed in Appendix G).) For that reason, Appendix G advises that “[s]ubstantial evidence of potential impacts that are not listed on this form must also be considered.” Appendix G further advises that its environmental checklist is only a *sample* form that can be tailored to address local conditions and project characteristics.

When the checklist was originally developed, it contained only a handful of questions. Over time, the list of questions has grown in response to increasing awareness of the effects of development on the environment. Currently, the sample checklist contains 89 questions divided into 18 categories of potential impacts. Depending on the project's location and circumstances, the sample checklist questions may be both under- and over-inclusive. Because the purpose of an initial study is to provoke thought and investigation, and because the checklist cannot contain an exhaustive list, the sample in Appendix G should, in the Natural Resources Agency's view, contain questions that are (1) broadly worded, (2) highlight environmental issues *commonly* associated with *most* types of new development, and (3) alert lead agencies to environmental issues that might otherwise be overlooked in the project planning and approval process.

The Natural Resources Agency revised the sample environmental checklist in several ways. First, it reframed or deleted certain questions that should be addressed in the planning process to focus attention on those issues that must be addressed in the CEQA process. Second, it added questions that, although required by current law, tend to be overlooked in the environmental review process. Finally, it revised the questions related to transportation impacts, and wildfire risk as required by SB 743 and SB 1241, respectively, and relocated questions related to paleontological resources as required by AB 52 (Gatto, 2014).

While OPR originally proposed a far more streamlined and consolidated set of questions, stakeholders objected that confusion might ensue. The Natural Resources Agency agrees with OPR that further discussion of ways to streamline the checklist is appropriate. The changes in this package, however, are more narrowly tailored. A narrative description of the changes, and the intent behind those changes, is provided below.

Deleted or Consolidated Questions

The Natural Agency deleted or consolidated numerous questions from the Appendix G checklist. Those questions, and the reason that they were deleted, are discussed below.

Soils Incapable of Supporting Septic Systems: Regarding Geology and Soils, Appendix G currently asks whether a project would “[h]ave soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.” According to the [U.S. Environmental Protection Agency](#), inappropriately placed or operated septic systems may be a source of significant groundwater contamination. The Agency revised the questions in Appendix G related to water quality. Specifically, among other revisions, the Agency clarified that the question asking whether a project would “substantially degrade water quality” refers to both surface and ground water quality. Thus, as revised, the broader question about groundwater quality would capture not just impacts from inappropriately placed septic tanks, but also any other possible sources of uncontrolled leachate.

Conflicts with a Habitat Conservation Plan: Existing Appendix G asks whether a project would conflict with a habitat conservation plan and other related plans in two separate sections: biological resources and land use planning. The Agency deleted the question from the land use planning section. The question in the biological resources section remains unchanged.

Wastewater Treatment Requirements: In the section on utilities, Appendix G currently asks whether a project would exceed wastewater treatment requirements of an applicable regional water quality control board. Similarly, in the water quality section, Appendix G asks whether a project would violate any waste discharge requirements. Since the question in the water quality section would encompass wastewater treatment requirements as well as other water quality standards, the Agency deleted the question from the utilities section.

Updated Considerations

As part of the reorganization of Appendix G, the Natural Resources Agency also updated some considerations or questions to the checklist. Those considerations, and the reason that they have been revised, are discussed below.

Aesthetics: Existing Appendix G asks whether a project would degrade the existing visual character of a site. Visual character is a particularly difficult issue to address in the context of environmental review, in large part because it calls for exceedingly subjective judgments. Both federal and state courts have struggled with the issue of precisely what questions related to aesthetics are relevant to an analysis of environmental impact. (See, e.g., *Maryland-National Cap. Pk. & Pl. Com'n. v. U.S. Postal Serv.* (D.C. Cir. 1973) 159 U.S. App. D.C. 158; see also *Bowman v. City of Berkeley* (2006) 122 Cal.App.4th 572.) As a practical matter, infill projects are often challenged on the grounds of aesthetics. (See, e.g., Pub. Resources Code, § 21099(d) (exempting certain types of infill projects from the requirement to analyze aesthetics).)

For these reasons, the Natural Resources Agency recast the existing question on “visual character” to ask whether the project is consistent with zoning or other regulations governing visual character. This

change is intended to align with the analysis of the aesthetics issue in the *Bowman* case, *supra*. The court in that case, which involved a challenge to a multifamily residential project in an urban area, noted:

Virtually every city in this state has enacted zoning ordinances for the purpose of improving the appearance of the urban environment” ..., and architectural or design review ordinances, adopted “solely to protect aesthetics,” are increasingly common.... While those local laws obviously do not preempt CEQA, we agree with the Developer and the amicus curiae brief of the Sierra Club in support of the Project that aesthetic issues like the one raised here are ordinarily the province of local design review, not CEQA.

(*Bowman, supra*, 122 Cal.App.4th at p. 593 (citations omitted).) This revision is also consistent with the proposed changes in sections 15064 and 15064.7 that recognize the appropriate role of environmental standards in a CEQA analysis.

Air Quality: Existing Appendix G asks whether the project would create objectionable odors. The Agency updated this question in several ways. First, the term “objectionable” is subjective. Sensitivities to odors may vary widely. Therefore, the Agency recast the question to focus on the project’s potential to cause adverse impacts to substantial numbers of people. (See *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 492–493 (“Under CEQA, the question is whether a project will affect the environment of persons in general, not whether a project will affect particular persons”); see also *Banker’s Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 279.) Similarly, the Agency included odor as one of several examples of potential localized air quality impacts.

Biological Resources and State Wetlands: Appendix G currently asks whether a project would substantially adversely affect a federally protected wetland. California law protects all waters of the state, while the federal Clean Water Act governs only “navigable waters”. Because nothing in CEQA’s definition of environment limits consideration to federally regulated resources, the Agency clarified in Appendix G that lead agencies should consider impacts to wetlands that are protected by either the state or the federal government.

Cultural Resources: AB 52 required an update to Appendix G to separate the consideration of paleontological resources from tribal cultural resources and update the relevant sample questions, and to add consideration of tribal cultural resources with relevant sample questions. In September 2016, the Office of Administrative Law approved changes to Appendix G adding consideration of tribal cultural resources. This current package includes an amendment to Appendix G that separates the consideration of paleontological resources from cultural resources, and includes consideration of paleontological resources among the relevant sample questions related to geology and soils.

Energy: As explained in the discussion of proposed amendments to section 15126.2, CEQA has long required analysis of energy impacts. (Pub. Resources Code, § 21100(b)(3) (added in 1974, requiring EIRs to include measures to avoid wasteful and inefficient uses of energy); *California Clean Energy Com. v.*

City of Woodland (2014) 225 Cal.App.4th 173.) However, the description of the required analysis sits largely unnoticed in a stand-alone Appendix F. To better integrate the energy analysis with the rest of CEQA, the Agency replaced relevant questions regarding potential energy impacts to the sample environmental checklist that had been previously deleted from Appendix G.

Impervious Surfaces: Appendix G currently asks a series of questions about hydrology, one of which asks whether the project will alter the drainage patterns of the site through alteration of the course of a stream or river. Another relevant factor in determining the effect of a project on existing drainage systems, however, is how much impervious surfaces a project might add. (See State Water Resources Control Board, Non-Point Source Encyclopedia, § 3.1 ([Impervious Surfaces](#)).) OPR's Technical Advisory on "low impact design" identifies the development of new impervious surfaces as a contributor to non-point source pollution and hydromodification. (Office of Planning and Research, "[CEQA and Low Impact Development Stormwater Design: Preserving Stormwater Quality and Stream Integrity Through California Environmental Quality Act \(CEQA\) Review](#)" (August 2009).) Therefore, the Agency added "impervious surfaces" to the considerations in the hydrology portion of the checklist.

Notably, the proposed addition of impervious surfaces as a consideration is not intended to imply that *any* addition of impervious material will necessarily lead to a significant impact. Rather, the modified question asks whether the addition of impervious surface would lead to substantial erosion, exceed the capacity of stormwater drainage systems, etc. Also, some water quality permits do already address the addition of impervious surfaces, and, as provided in updated sections 15064 and 15064.7, a project's compliance with those requirements will be relevant in determining whether the added surfaces create a significant impact.

Geology and Soils: The Agency clarified questions in Appendix G related to geology and soils by suggesting that agencies consider direct and indirect impacts to those resources. This change is consistent with CEQA's general requirement that agencies consider the direct and indirect impacts caused by a proposed project. (See generally, Pub. Resources Code, §§ 21065 [definition of a "project"], 21065.3 [definition of a "project-specific effect"].) And as noted earlier, this package includes an amendment to Appendix G that separates the consideration of paleontological resources from cultural resources, and includes consideration of paleontological resources among the relevant sample questions related to geology and soils.

Groundwater: The Agency made two changes to the existing question in Appendix G asking about a project's impacts to groundwater. First, the existing question asks whether a project will "substantially *deplete*" groundwater supplies. The word "deplete" could be interpreted to mean "empty". Therefore, the Agency revised the question to ask whether the project would "substantially *decrease* groundwater supplies." Second, the existing question asks whether the project would lower the groundwater table level and provides the following example: "e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted." There are many other potential impacts that could result from lowering groundwater levels, including subsidence, altering surface stream hydrology, causing migration of contaminants, etc.

Therefore, the Agency deleted the example from the question. These changes are consistent with the new regime governing groundwater passed in 2014.

Land Use Plans: Appendix G currently asks whether a project conflicts with certain land use plans. The question largely mirrors section 15125(d), which requires an EIR to analyze any inconsistencies with any applicable plans. The Agency revised that question in two ways in order to better focus the analysis.

First, the Agency clarified that the focus of the analysis should not be on the “conflict” with the plan, but instead, on any adverse environmental impact that might result from a conflict. For example, destruction of habitat that results from development in conflict with a habitat conservation plan might lead to a significant environmental impact. The focus, however, should be on the impact on the environment, not on the conflict with the plan. (See, e.g., *Marin Mun. Water Dist. v. Kg Land Cal. Corp.* (1991) 235 Cal.App.3d 1652, 1668 (“A local agency engaged in EIR analysis may not ignore regional needs and the cumulative impacts of a proposed project. ... Thus the Guidelines require an EIR to discuss any inconsistencies between the proposed project and applicable general and regional plans”); see also Pub. Resources Code, § 21100(e) (“Previously approved land use documents, including, but not limited to, general plans, specific plans, and local coastal plans, *may be used in cumulative impact analysis*”) (emphasis added).) Application of a density bonus to exceed limits in a general plan or zoning, on the other hand, might not lead to any environmental impact. (See, e.g., *Wollmer v. City of Berkeley* (2009) 179 Cal.App.4th 933.)

Second, the Agency deleted the phrase “with jurisdiction over the project” from the question, again for the purpose of focusing the analysis on any *actual environmental impacts* that might result from the project. Finally, the Agency deleted the list of examples of plans from the question. Section 15125(d) contains numerous examples of potentially relevant land use plans, and so repetition in the question in Appendix G is not necessary.

Population Growth: Appendix G currently asks whether a project will cause substantial population growth. The Agency clarified that the question should focus on whether such growth is *unplanned*. Growth that is planned, and the environmental effects of which have been analyzed in connection with a land use plan or a regional plan, should not by itself be considered an impact.

Transportation: The Agency made several changes to the questions related to transportation in Appendix G. First, the Agency revised the questions related to “measures of effectiveness” so that the focus is more on the circulation element and other plans governing transportation. Second, the Agency deleted the second question related to level of service, and instead inserted a references to new Guideline section 16054.3, subdivisions (b), to focus on vehicle miles traveled where appropriate. Third, the Agency clarified the question related to design features.

Water Supply: Appendix G currently asks whether the project has adequate water supplies. The Agency updated the question to better reflect the factors identified by the Supreme Court in *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, as well as the water supply assessment and verification statutes. (Wat. Code, § 10910; Gov. Code, § 66473.7.)

Wildfire: Senate Bill 1241 (Kehoe, 2012) required the Office of Planning and Research, the Natural Resources Agency, and CalFire to develop “amendments to the initial study checklist of the [CEQA Guidelines] for the inclusion of questions related to fire hazard impacts for projects located on lands classified as state responsibility areas, as defined in section 4102, and on lands classified as very high fire hazard severity zones, as defined in subdivision (i) of section 51177 of the Government Code.” (Pub. Resources Code, § 21083.01 (emphasis added).) The Agency added several questions addressing this issue. Notably, while SB 1241 required the questions to address specific locations, it did not necessarily limit the analysis to those locations, and so the Agency posed the questions for projects located within “or near” those zones. Lead agencies will be best placed to determine precisely where such analysis is needed outside of the specified zones.

Corrected Typo

Finally, the Agency corrected a typo in the Note following question 11 in Appendix G. The Note briefly describes the tribal consultation process. It contains a reference to Public Resources Code Section 21083.3.2. The correct citation is 21080.3.2. The Agency discovered the typo after circulating the changes for public review. However, because the correction is a change without regulatory effect, pursuant to section 100(a)(4) of the Office of Administrative Law’s regulations governing the rulemaking process, no public review is required. (Cal. Code Regs., tit. 1, § 100(a)(4).)

Necessity

These changes are necessary to make the process simpler for lead agencies. These additions are also necessary to ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would lessen Any Adverse Impact on Small Business, and the Resources Agency’s Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency’s determination that the proposed action is necessary to update the CEQA Guidelines to clarify existing law. The proposed action adds no new substantive requirements. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action implements and clarifies existing law. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

APPENDIX M. PERFORMANCE STANDARDS FOR INFILL PROJECTS ELIGIBLE FOR STREAMLINED REVIEW

Specific Purposes of the Amendment

Appendix M in the CEQA Guidelines contains the performance standards that must be met for the streamlined environmental review process for infill projects under CEQA Guidelines section 15183.3. The Natural Resources Agency corrected typographical errors in Sections 4.A, 4.C, and 4.E of Appendix M to be consistent with the previously adopted regulatory text.

Necessity

These changes are necessary to correct the typographical errors in Appendix M and thus to clarify the substantive requirements for performance standards applying to certain infill projects. These additions are also necessary to ensure that the CEQA Guidelines best serve their function of providing a comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency's determination that the proposed action is necessary to update the CEQA Guidelines to clarify existing law. The proposed action adds no new substantive requirements. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The proposed action clarifies existing law by correcting typographical errors. Because the proposed action does not add any substantive requirements, it will not result in an adverse impact on businesses in California.

APPENDIX N. INFILL ENVIRONMENTAL CHECKLIST FORM

Specific Purposes of Amendment

Existing Appendix N provides a sample checklist that is intended to assist lead agencies in assessing infill projects according to the procedures in Public Resources Code section 21094.5. The Agency added Appendix N in 2013 when it added section 15183.3. In creating Appendix N, the Agency patterned the sample checklist on Appendix G, which also provides a sample environmental checklist that may be used by lead agencies in determining whether a project may cause a significant impact on the environment. In this package, the Agency updated Appendix N to be consistent with the changes to Appendix G, described above.

Necessity

These changes are necessary to make it simpler for lead agencies. These additions are also necessary to ensure that the CEQA Guidelines best serve their function of providing comprehensive, easily understood guide for the use of public agencies, project proponents, and other persons directly affected by CEQA.

Reasonable Alternatives to the Regulations, Including Alternatives that Would Lessen Any Adverse Impact on Small Business, and the Resources Agency's Reasons for Rejecting Those Alternatives

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency's determination that the proposed action is necessary to update the CEQA Guidelines to clarify existing law. Additionally, the proposed action adds no new substantive requirements. The Agency rejected the no action alternative because it would not achieve the objectives of the proposed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses as the change is a clarifying change only.

Evidence Supporting an Initial Determination That the Action Will Not Have a Significant Adverse Economic Impact on Business

The action implements and clarifies existing law. Because the proposed action does not add substantive requirements, it will not result in an adverse impact on businesses in California. Appendix N, like Appendix G, advises that its environmental checklist is only a sample form that can be tailored to address local conditions and project characteristics.

Determinations

C. No Imposition of a Mandate on Local Agencies and School Districts

CEQA only applies to discretionary actions undertaken by public agencies, including school districts. Therefore, the proposed regulations do not impose any mandate on local agencies or school districts.

D. Master Responses

Many comments submitted on the CEQA Guideline Update raised similar issues. The following are responses that address many of those commonly raised themes.

1. The New CEQA Guideline Regarding Transportation Squarely Reflects Legislative Direction in Senate Bill 743 (Steinberg, 2013).

Some comments suggested that the Legislature never intended to make changes outside of urban areas, and so the Agency has exceeded the scope of its authority. The Agency disagrees.

Senate Bill 743 stated the policy that CEQA analysis of transportation impacts needed to be updated to be consistent with California's climate objectives. (Senate Bill 743, Steinberg 2013, § 1(a)(1) (noting prior legislation in which "the Legislature signaled its commitment to encouraging land use and transportation planning decisions and investments that reduce vehicle miles traveled and contribute to the reductions in greenhouse gas emissions").) Specifically, the Legislature stated:

New methodologies under the California Environmental Quality Act are needed for evaluating transportation impacts that are better able to promote the state's goals of reducing greenhouse gas emissions and traffic-related air pollution, promoting the development of a multimodal transportation system, and providing clean, efficient access to destinations.

(*Id.* at subd. (a)(2).) To achieve that policy, the legislation required the Agency to adopt changes to the CEQA Guidelines "establishing criteria for determining the significance of transportation impacts of projects[.]" (Public Resources Code § 21099(b)(1).) While the statute required the change to be implemented within transit priority areas, it authorized the change to extend beyond those areas in the Agency's discretion. (*Id.* at subd. (c)(1).) Finally, the legislation suggested several potential metrics that could be used to measure transportation impacts, including "vehicle miles traveled, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated." (*Id.* at subd. (b)(1).)

In sum, Senate Bill 743 required a change in the way that agencies evaluate transportation impacts, and left to the Agency to identify, following a public process, the metric to measure such impacts and the most appropriate geographic scope of the change. The Agency finds that proposed Section 15064.3 falls squarely within the authority provided in the Public Resources Code.

The Agency's reasons to identify vehicle miles traveled as the measure of transportation impact, and to apply the new rules statewide, are explained in greater detail below.

2. Vehicle Miles Traveled is the Most Appropriate Measure of Transportation Impacts.

Some comments argued that the CEQA Guidelines should either maintain the status quo, or that vehicle miles traveled was not the best measure of transportation impacts.

Shortly after SB 743 was enacted, the Governor's Office of Planning and Research released its evaluation of various potential metrics, and invited public input on that evaluation. (See OPR, *Preliminary Evaluation of Alternative Methods of Transportation Analysis* (December 30, 2013).) The measures evaluated included:

- Vehicle miles traveled
- Automobile Trips Generated
- Multi-Modal Level of Service
- Fuel Use
- Motor Vehicle Hours Traveled

Having considered public input on the evaluation of these alternatives, OPR identified vehicle miles traveled as the most appropriate measure of transportation impacts. The Agency concurs with OPR's recommendation, for several reasons.

First, as noted in OPR's Preliminary Evaluation, the Legislature specifically recommended vehicle miles traveled. (Pub. Resources Code § 21099(b)(1) (OPR "shall recommend potential metrics to measure transportation impacts that may include ... vehicle miles traveled"); see also SB 743 (2013), § 1(a)(1) (noting Legislature's "commitment to encouraging land use and transportation planning decisions and investments that reduce vehicle miles traveled").)

Second, vehicle miles traveled achieves the purposes set forth in the statute. SB 743 required the new transportation metric to "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." Vehicle miles traveled strongly correlates with greenhouse gas emissions. Thus, reducing vehicle miles traveled is likely to reduce greenhouse gas emissions. Further, since transit, bicycle and pedestrian projects reduce vehicle miles traveled, and this proposal presumes that such projects will result in a less than significant impact, measuring vehicle miles traveled promotes multimodal transportation networks. (See Handy, Susan, et al. "Impacts of Transit Service Strategies on Passenger Vehicle Use and Greenhouse Gas Emissions." California Air Resources Board, Oct. 2013, https://www.arb.ca.gov/cc/sb375/policies/transitservice/transit_brief.pdf [discussing how improved transit service reduces VMT]; Handy, Susan, et al. "Impacts of Bicycling Strategies on Passenger Vehicle Use and Greenhouse Gas Emissions." California Air Resources Board, Sept. 2014, https://www.arb.ca.gov/cc/sb375/policies/bicycling/bicycling_brief.pdf [concluding that better cycling facilities and infrastructure reduce VMT]; Handy, Susan, et al. "Impacts of Pedestrian Strategies on Passenger Vehicle Use and Greenhouse Gas Emissions," California Air Resources Board, Sept. 2014, https://www.arb.ca.gov/cc/sb375/policies/ped/walking_brief.pdf [concluding that improved pedestrian facilities and infrastructure reduce VMT].) Finally, because mixed-use projects tend to reduce the need for driving, vehicle miles traveled is more likely to result in projects with a diversity of land uses. (Spears, Steven, et al. "Impacts of Land-Use Mix on Passenger Vehicle Use and Greenhouse Gas Emissions." California Air Resources Board, Sept. 2014, https://arb.ca.gov/cc/sb375/policies/mix/lu-mix_brief.pdf.)

In addition to meeting the statutory objectives in SB 743, the Agency finds that lowering vehicle miles traveled may also result in numerous public and private benefits. As explained in the Agency's Standardized Regulatory Impact Assessment, focusing on vehicle miles traveled instead of congestion in a CEQA analysis is anticipated to result in significant cost savings. Those savings result because studies are quicker and easier to perform, which reduces both the cost of the study but also the time spent on environmental review. The SRIA also explained that lowering vehicle miles traveled would also

- Better health and avoided health care costs
- Reduction in transportation, building energy, and water costs
- Reduction in travel times to destinations
- Cleaner water

The Agency received comments supporting the proposal from a broad cross-section of stakeholders that included, among others, developers of infill housing, local governments, environmental and public health organizations, and social equity advocates. Key points included:

- “San Francisco took a leadership position when we became the first county in California to remove automobile delay and adopt Vehicle Miles Traveled (VMT) as a measurement of transportation impacts in CEQA. We recognized that the prior paradigm of automobile delay was not allowing for the development and maintenance of a high-quality environment now and in the future, a legislative intent of CEQA; and it conflicted with numerous state, regional, and local plans, ordinances, and policies. *Two years later, we are seeing the benefits of this change as numerous transportation projects and infill developments that previously would have gone through time-consuming, costly vehicular level of service analysis with no beneficial environmental outcomes, are on the ground, approved, or under construction.*” – City and County of San Francisco (emphasis added) (Comment 5.3)
- “The transition to using Vehicle Miles Traveled (VMT) for the analysis of transportation impacts, pursuant to Senate Bill (SB) 743, is an exciting and important change. This change gives cities and the State a new tool to address numerous mutual goals including achieving climate action targets, increasing livability and access, and relieving the affordable housing crisis. Our city leaders express support for this change as demonstrated in the attached letter to OPR last July. We recognize the responsibility of local jurisdictions to plan for future development in areas that will result in low VMT outcomes. The State's leadership in advancing to a VMT-based metric will help achieve this outcome.” – City of Long Beach, et al.
- “The replacement of LOS with VMT will improve transit service and walkability, benefiting low-income households who are more likely to take transit and walk. In addition, the proposed guidelines will help streamline the development process of housing in low-VMT and transit-oriented locations, thereby helping increase the supply of housing options in areas with low transportation costs.” – Climate Plan, et al.
- “Through its focus on infill development and greenhouse gas reduction, implementation of SB 743 will serve to facilitate achievement of many of the regional goals identified in our adopted 2016 RTP/SCS, specifically those pertaining to *regional sustainability, improving transportation*

system efficiency, providing more and better mobility options including transit and active transportation, encouraging construction of more affordable housing, improved air quality, and promoting environmental preservation. These beneficial outcomes will improve economic, quality of life, and public health performance in the SCAG region and throughout the state while also supporting critical regional investments, particularly in active transportation and transit.” – Southern California Association of Governments (emphasis added)

- “The proposed guideline to implement SB 743 is a crucial step toward realizing climate policy priorities shared by both the State and the City of Los Angeles. SB 743 has the potential to transform the way transportation and infrastructure projects are delivered. Until the guidelines are implemented, the state environmental process will remain disconnected from climate policy objectives.” – City of Los Angeles

Despite the anticipated benefits described above, the proposal to replace level of service with vehicle miles traveled as the primary measure of transportation impacts has been controversial. The Agency received comments from some business interests and some local governments expressing opposition to the proposal. Those opposing the proposal expressed fear that, among potential outcomes, mitigation costs and litigation may increase and, as a result, home building and business production may decrease. These are legitimate concerns; however, the Agency found those comments to be largely comprised of assumptions and opinion, but not evidence. (See, e.g., Comments of the Building Industry Association, et al.)

The Agency finds the comments of those agencies that have already switched to a vehicle miles traveled metric, including some of those quoted above, to be particularly persuasive because they are informed by real world experience. Notably, the Agency received no comments from any of the early adopters suggesting that the Agency should not proceed.

Finally, the Agency acknowledges those comments that expressed disappointment that their specific suggestion (largely, to maintain the status quo) was not adopted. In that regard, the Agency notes that the development of this rulemaking packages involved extensive stakeholder engagement over the course of several years. The proposal evolved substantially in response to that input. For example, much of the detail that OPR originally proposed to include in the new Guidelines section was moved to a purely advisory guidance document. OPR also refined its recommended thresholds of significance to provide more flexibility. Further, the proposal would enable many housing and infrastructure projects to be presumed, based on evidence in this rulemaking, to have a less than significant transportation impact. The proposal also includes an opt-in period allow those agencies that are ready to make the switch from level of service to vehicle miles traveled to do so, but gives time to other agencies that have indicated that they need more time to become acquainted with the new procedures. Finally, the proposal gives even greater discretion to agencies in how they evaluate roadway capacity projects. (Compare Preliminary Discussion Draft of Updates to the CEQA Guidelines Implementing Senate Bill 743 (2014), with Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA Implementing Senate Bill 743 (2016), and Proposed Updates to the CEQA Guidelines – Comprehensive Package (2017).)

In embarking on this update, the Agency and OPR announced their intention to develop a balanced package. Not every stakeholder will agree with the balance that has been struck. While the Agency acknowledges the disappointment expressed by some in the policy direction, the Agency the evolution of this proposal demonstrates that OPR and the Agency have indeed heard from stakeholders and responded as appropriate in light of statutory authority and policy objectives.

3. Vehicle Miles Traveled Should Be Analyzed Statewide, Not Just in Transit Priority Areas.

Some comments noted that while SB 743 gave the Agency the discretion to require analysis of vehicle miles traveled statewide, it only mandated new transportation methodologies within transit priority areas. Because the Guidelines propose a significant shift in how transportation impacts are analyzed, some comments suggested that implementation should begin in a smaller geographic area. The Agency declines to adopt that approach because it would not advance the purposes of the statute, and would forego the cost savings and environmental benefits expected to result from this change.

OPR and the Agency conducted extensive outreach since 2013 to craft this proposal. During that outreach, OPR asked stakeholders in various regions of the state whether the status quo would do a better job promoting the purposes of the statute. No evidence demonstrated that the status quo, which focuses on traffic congestion, provides a more accurate analysis of the environmental effects of transportation than a methodology that focuses on vehicle miles traveled.

Conversely, outreach with the Institute for Transportation Engineers, transportation professionals, transportation agencies, local governments, and metropolitan planning organizations demonstrated that studying vehicle miles traveled is possible and mitigation is feasible when needed. The evidence, including the Standardized Regulatory Impact Assessment prepared for these Guidelines, further shows that studying vehicle miles traveled is cheaper and quicker than studies of traffic congestion. The City and County of San Francisco, which has already begun using vehicle miles traveled as its primary measure of transportation impacts in CEQA, has found that using vehicle miles traveled instead of level of service has allowed for bringing much needed housing and transportation projects online much quicker. (See Comments from City and County of San Francisco.)

This Agency has previously considered the many benefits that result from development with lower vehicle miles traveled. As we observed in the rulemaking instituting a streamlined CEQA process for infill developments, projects with lower vehicle miles traveled promote significantly improved health and safety outcomes, as well as air quality benefits. More specifically, low VMT projects encourage more reliance on neighborhood-oriented businesses, walking, cycling, and public transit. These activities indirectly reduce greenhouse gas emissions and other emissions that lead to smog and air and water quality issues because they result in less vehicle miles traveled by residents who would traditionally have to drive to obtain the same services and products. Taken together, these benefits create sustainable, vibrant, and economically viable neighborhoods. (See Initial Statement of Reasons (July 2012), at pp. 12-17.) As this Agency found then, the evidence continues to demonstrate the benefits of lowering vehicle miles traveled.

As a legal matter, limiting the application of the new transportation guideline may invite litigation that would counter the goals of the statute. Specifically, the definition of “transit priority areas” is not clear in the statute.⁶ For example, the boundaries of a transit priority area may shift as bus routes and service frequencies change, and as plans for future transit investments change. Those changes may be made by multiple agencies, and no one agency is charged with maintaining current and accurate delineations of transit priority areas. As a result, applying one set of rules within transit priority areas and another outside would impose a significant burden on lead agencies to determine on a project by project basis which rules apply. As the City of Los Angeles noted in its comments, that uncertainty would impose a unique burden on infill projects, the very projects that the statute was designed to promote. (See Comments from the City of Los Angeles.) Such uncertainty could also encourage litigation.

Moreover, even if the Agency were to limit application of this Guideline to transit priority areas, ample evidence in this rulemaking record and elsewhere demonstrates the relationship between vehicle miles traveled and environmental impacts. (See, e.g., Master Response 2; OPR, Technical Advisory.) Vehicle miles traveled is also regularly analyzed as part of analyses of air pollutants, greenhouse gas emissions and energy, the analysis is reasonably feasible. Because CEQA requires environmental documents to “provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences,” and because courts look for “adequacy, completeness, and a good faith effort at full disclosure,” a prudent lead agency would analyze a project’s vehicle miles traveled regardless of whether the project is located near transit. (CEQA Guidelines § 15151.)

Thus, due to the substantial benefits of measuring vehicle miles traveled instead of level of service, and the serious potential for confusion and litigation risk of having two different measures of transportation impact, the Agency has determined that the new methodology should apply statewide.

The Agency recognizes that access to transit makes it easier to find that a project’s vehicle miles traveled are low. However, mixing uses, designing projects so that customers only need to park once, enhancing bicycle and pedestrian networks, and many other strategies also exist to reduce vehicle miles traveled. Further, OPR’s recommendations in its Technical Advisory recognize that rural areas are different, and so there, thresholds may be applied on a case by case basis that reflect local conditions.

4. Evidence Demonstrates that Projects Located Near Transit Are Likely to Reduce Vehicle Miles Traveled; Therefore, Agencies Should Presume that the Transportation Impact of Such Projects Is Less Than Significant.

A significant body of research indicates that projects located close to existing transit will enable lower vehicle use because of the availability of transit. (See, e.g., Cervero, R. (2002). *Built Environments and*

⁶ “Transit priority area” means “an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations.” (Pub. Resources Code § 21099(a)(7).) A “Major transit stop” means “a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.” (Id. at § 21064.3.)

Mode Choice: Toward a Normative Framework. Elsevier Science Ltd.; Cervero, R. & Duncan, M. (2006). *Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing?* Journal of the American Planning Association; Cervero, R. (2006). *Transit Oriented Development's Ridership Bonus: A Product of Self-Selection and Public Policies*. University of California Transportation Center; Ewing, R. & Cervero, R. (2001). *Travel and the Built Environment: A Synthesis*. Transportation Research Record 1780 – Paper No. 01-3515; Ewing, R. & Cervero, R. (2010). *Travel and the Built Environment: A Meta-Analysis*. Journal of the American Planning Association; Handy, S., Cao, X. & Mokhtarian, P. (2005). *Correlation or causality between the built environment and travel behavior? Evidence from Northern California*. Elsevier Ltd.; Kolko, J., Meija, M., Reed, D., & Schiff, E. (2011). *Make the Most of Transit: Density, Employment Growth, and Ridership around New Stations*. Public Policy Institute of California; Lund, H., Cervero, R., & Willson, R. (2004). *Travel Characteristics of Transit-Oriented Development in California*. Funded by Caltrans Transportation Grant – “Statewide Planning Studies” – FTA Section 5313 (b); Ewing, R., K. Bartholomew, S. Winkelmann, J. Walters, and D. Chen, Growing Cooler: The Evidence on Urban Development and Climate Change, Washington, D.C.: Urban Land Institute, 2008 [see section 7.3.4, citing and discussing ample evidence of transit proximity reducing vehicle travel].) The California Air Pollution Control Officers Association’s report “*Quantifying Greenhouse Gas Mitigation Measures*” also cites several studies that quantify VMT reductions resulting from transit proximity. (Lee, Barbara, et al. “Quantifying Greenhouse Gas Mitigation Measures.” California Air Pollution Control Officers Association, Aug. 2010, pp. 171-174.) This reduction in vehicle miles traveled is most pronounced within one-half mile of transit. Notably, because many other programs and other statutory provisions focus on one-half mile surrounding transit, using that distance in the presumption promotes consistency with other policies. (See, e.g., Public Resources Code § 21155(b) (defining projects that may benefit from CEQA streamlining as those projects within one-half mile of transit); see also Strategic Growth Council, Affordable Housing and Sustainable Communities Program Guidelines.)

Some comments correctly noted that factors beyond transit proximity may affect vehicle miles traveled. The Agency does not disagree, and that is why the presumption is rebuttable. However, the body of evidence described above supports the Agency’s statement in the Guidelines that agencies should presume that projects that locate near transit will have a less than significant transportation impact. That body of evidence, together with the statement in the Guidelines, also gives lead agencies a basis to fill out the initial study checklist and at least initially determine that a project’s transportation impacts are less than significant.

5. Transportation Impacts of Roadway Capacity Expansion Can Be Measured in Multiple Ways.

Section 15064.3(b)(2) states that agencies analyzing roadway capacity projects have discretion to use a metric other than vehicle miles traveled. Allowing this discretion for such projects is appropriate at this time for several reasons. For example, many types of roadway capacity projects, such as the addition of new local streets or capacity on existing local streets, the addition of new collector streets or capacity on new collector streets, the addition of capacity in rural areas where there is not current or projected future congestion (i.e. solely to address safety issues), the addition of capacity on-ramps or off-ramps, methods may not yet exist or are still under development for assessing VMT impacts. Many capacity projects are also being conducted jointly with federal partners that may use other metrics. Therefore,

leaving the lead agency with the discretion to make this determination and tailor its metrics accordingly will be helpful to ensuring that impacts are adequately analyzed.

Meanwhile, where methods exist, measurement of induced travel needs to be undertaken in order to assess greenhouse gas emissions impacts, impacts from air pollutant emissions, energy impacts, and noise impacts, and transportation impacts described by any metric. In these cases, implementing vehicle miles traveled as the metric of transportation impact may assist the lead agency in addressing those other environmental impacts. Where vehicle miles traveled is already assessed as a step in analyzing other impacts, lead agencies would likely disclose the results of such analyses to promote informed public participation and decision-making. (See, Pub. Resources Code § 21099(b)(3) (“This subdivision does not relieve a public agency of the requirement to analyze a project’s potentially significant transportation impacts related to air quality, noise, safety, or any other impact associated with transportation”); CEQA Guidelines § 15151 (“courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure”); *see also* proposed Section 15064.3(b)(2) (“For roadway capacity projects, agencies have discretion to determine the appropriate measure of transportation impact consistent with CEQA and other applicable requirements”) (emphasis added); California Department of Transportation, *Guidance for Preparers of Growth-related, Indirect Impact Analyses* (2006).)

6. Mitigation to Reduce Vehicle Miles Traveled is Feasible.

CEQA requires mitigation of significant environmental impacts. Even independent of these Guidelines, some courts have found that this requirement includes consideration of measures to reduce the driving required by a project. (See, e.g., *Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 17 Cal.App.5th 413; *Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 Cal.App.4th 256; *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal. App. 4th 173.)

Some comments, however, questioned whether the vehicle miles traveled of certain suburban or rural projects could be feasibly mitigated. Many mitigation options exist. The California Air Pollution Control Officers Association, for example, developed a guide, supported with peer-reviewed research, that includes various measures to reduce vehicle miles traveled in a variety of geographic settings. (California Pollution Control Officers Association, *Quantifying Greenhouse Gas Mitigation Measures, A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures* (2010) at pp. 155-331.)⁷ The determination of whether any particular measure is feasible in connection with a specific project is to be made by the lead agency.

⁷ The Agency finds the CAPCOA Guide to be a particularly credible source of information because it was prepared by expert air quality agencies, with the assistance of highly regarded consultants in air quality and transportation planning, and is supported by peer-reviewed research. Additionally, U.C. Berkeley’s Center for Law, Energy & the Environment recently published a paper discussing the use of VMT banks and exchanges as possible mitigation options. (Elkind, et al. “Implementing SB 743: An Analysis of Vehicle Miles Traveled Banking and Exchange Frameworks,” Oct. 2018, <https://www.law.berkeley.edu/wp-content/uploads/2018/09/Implementing-SB-743-October-2018.pdf>.) While the Agency has not relied on that document in developing this rulemaking, it is sharing this citation for informational purposes.

Notably, OPR's Technical Advisory explains that because such impacts of vehicle miles traveled are largely regional in nature, mitigation may also be regional in scope. Thus, regional mitigation programs to reduce vehicle miles traveled may be an effective way to reduce such impacts.

7. A Phase-In Period Will Allow Agencies Time to Update Their Own Procedures.

The Agency's current proposal states that the new rules for VMT analysis will become mandatory beginning on July 1, 2020. (July 2018 Proposed 15-Day Revisions, p. 11.) The regulatory text posted in January 2018 included a typographical error in Guidelines section 15064.3(c). In response, some comments expressed concerns about the proposed phase-in date of July 1, 2019, for lead agencies to apply the VMT metric in transportation analyses. The Agency corrected the error to July 1, 2020, in the 15-day revisions, which the Agency posted in July 2018. This correction aligns with the Initial Statement of Reasons, which states that "jurisdictions will have approximately two years to switch to VMT if they so choose." (Initial Statement of Reasons, p. 16.)

This phase-in period provides sufficient time for lead agencies to update their procedures. The Agency notes that typically, agencies must update their procedures within 120 days of revisions to the CEQA Guidelines. (See CEQA Guidelines, § 15007(d).) Although lead agencies would have a phase-in period, those who are ready to begin evaluating vehicle miles traveled may use the new transportation metric immediately upon the effectiveness of the Guidelines. In fact, some cities (namely, San Francisco, Oakland, Pasadena, and San Jose) have already updated their own procedures to analyze VMT. Those cities that have already updated their procedures to include vehicle miles traveled can serve as a model for other agencies. The Agency notes there are compelling reasons for other agencies to move forward as well.

First, the proposed vehicle miles traveled metric has been circulating in OPR's discussions with the public since 2013 when OPR began its process to comprehensively update the Guidelines. Notably, the proposed changes to section 15064.3 have been circulating in substantially similar form since 2014. Also, since the release of the preliminary discussion draft in August 2014, the Agency, OPR, or both engaged in nearly two hundred meetings, presentations, and conferences. (Initial Statement of Reasons, p. 46.) The Agency and OPR have also conducted extensive training and outreach to educate lead agencies on the proposed requirements. In short, the Agency believes that over the past four to five years, the public and lead agencies have had sufficient time to learn about the proposed changes in transportation impact metric.

Second, vehicle miles traveled is relatively simple to calculate compared to level of service, and the analysis is generally less costly and time consuming. That is because, unlike level of service, vehicle miles traveled does not require counting existing trips, estimating project trip distribution, or traffic microsimulation for determining congestion. (Standardized Regulatory Impact Assessment, pp. 8-12, 38.) Assessing vehicle miles traveled requires estimates of trip generation rates and trip length, and can be readily modeled using readily available and existing tools such as CalEEMod or URBEMIS. (Standardized Regulatory Impact Assessment, pp. 8, 16.) Because vehicle miles traveled analysis is much simpler and faster to do, the Standardized Regulatory Impact Assessment explained that while an

congestion-based study may cost approximately \$25,000 on average, a study of vehicle miles traveled may be approximately \$5,000. (Standardized Regulatory Impact Assessment, p. 16.)

Third, vehicle miles traveled is currently used to analyze a project's environmental impacts to other resources, including air quality, GHG emissions, and energy resources. More to the point, making a reasonably accurate estimate of transportation projects' effects on vehicle travel is important to making reasonably accurate estimates of GHG emissions, air quality emissions, energy impacts, and noise impacts. Additionally, two appellate courts have recently determined that the lead agency's failure to discuss the transportation energy impacts of a project in an EIR was a prejudicial abuse of discretion under CEQA. (*California Clean Energy Com. v. City of Woodland* (2014) 225 Cal.App.4th 173, 210 [EIR failed to consider project's transportation energy impacts]; *Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 Cal.App.4th 256, 266.) An analysis of transportation energy impacts generally includes assessing trip length and the number of trips, which is precisely the calculation for VMT. Lead agencies can streamline their environmental analyses by using VMT to measure a number of impacts, including transportation, air quality, greenhouse gas, noise, and energy impacts.

Finally, many professional organizations, such as the Association of Environmental Professionals and American Planning Association, have hosted continuing education seminars on this topic, and the Agency anticipates more once this rulemaking is complete. Thus, because the analysis is relatively simple to conduct, and in fact is being studied in connection with other impacts, and the opportunities for training are many, delaying full implementation until July 2020 is a reasonable phase-in period.

8. Analyzing Vehicle Miles Traveled, Instead of Congestion, Should Benefit Housing Production, Including Affordable Housing

The proposed shift to VMT analysis will benefit low-income earners in at least three ways.

First, it streamlines transit and active transit modes, which a disproportionate number of low income residents rely upon for transportation. Providing greater transportation choices, such as transit and active transit modes, can save low-income residents money. (See Fang, K. and Volker, J. "Cutting Greenhouse Gas Emissions Is Only the Beginning: A Literature Review of the Co-Benefits of Reducing Vehicle Miles Traveled," National Center for Sustainable Transportation, March 2017, pp. 12-13; see also California Department of Housing and Community Development, "California's Housing Future: Challenges and Opportunities," Feb. 2018, p. 3 ["In California's rural areas, high transportation costs often negate the relatively more affordable housing prices."], 50 ["The proximity of jobs and services, density, and the availability of public transportation are among the factors that can affect the need for automobile travel and thus transportation costs."; "When households move further from job- and transit-rich areas to find more affordable homes, they encounter consequences in the form of higher transportation costs and commute times."].)

Second, because low-income earners generate less household VMT, affordable housing is more likely to be found to have a less than significant transportation impact with VMT analysis. (See, e.g., Lee, Barbara, et al. "Quantifying Greenhouse Gas Mitigation Measures." California Air Pollution Control Officers Association, Aug. 2010, pp. 160-161, 176 ["Income has a statistically significant effect on the

probability that a commuter will take transit or walk to work. [Below market rate] housing provides greater opportunity for lower income families to live closer to jobs centers and achieve jobs/housing match near transit. . . Lower income families tend to have lower levels of auto ownership, allowing buildings to be designed with less parking . . . ”], 178 [“[R]egardless of distance from BART, lower income households generate at least 50% higher BART use for school trips than higher income households.”].) This is particularly noteworthy because opponents to affordable housing often cite increased traffic congestion as a reason to oppose such projects.

Third, the shift to VMT analysis would lead to more infill and transit-oriented development, and such development often allows lower living costs when transportation and housing costs are both taken into account. (See Center for Neighborhood Technology, *Losing Ground* (2012) [available at https://www.cnt.org/sites/default/files/publications/CNT_LosingGround.pdf]; Center for Neighborhood Technology, *Penny Wise, Pound Foolish* (2010) [available at https://www.cnt.org/sites/default/files/publications/CNT_pwpcf.pdf].) Relatedly, encouraging infill development is strongly correlated to economic mobility and thus infill would benefit low-income communities in urban areas. (See Fang, et al., *supra*, pp. 12-13 [discussing the direct financial impacts on households in reducing vehicle miles traveled]; see also Center for Neighborhood Technology, “Penny Wise, Pound Foolish,” March 2010, pp. 7-8 [concluding that location efficiency reduces transportation costs].)

Comments submitted by a coalition of equity advocates similarly suggest that focusing on vehicle miles traveled instead of congestion should benefit lower-income Californians by providing greater transportation options and access to housing. While recommending that further work be done to discourage displacement effects, the group explained:

The replacement of LOS with VMT will improve transit service and walkability, benefiting low-income households who are more likely to take transit and walk. In addition, the proposed guidelines will help streamline the development process of housing in low-VMT and transit-oriented locations, thereby helping increase the supply of housing options in areas with low transportation costs.

(See, Comments Submitted by Climate Plan, et al.)

The Agency acknowledges comments to the contrary. Primarily submitted by proponents of the building industry, some comments assert that analyzing vehicle miles traveled will hinder the production of affordable housing. Some even argue that the change will disproportionately impact affordable housing.

No one disputes that far fewer homes are currently being built than are needed; however, the Agency does not find arguments that the CEQA Guidelines will worsen housing affordability to be persuasive for several reasons. First, the comments are unsupported with evidence. Instead, they consist largely of fear, speculation and unsubstantiated opinion. Second, while the Agency shares the concern about housing affordability, myriad factors affect housing production and pricing. They include, among others, availability and costs of skilled labor, availability and costs of buildable land, costs of materials (which

are now being affected by global markets and federal trade policy), building regulations, entitlement processes and profit expectations. While some comments referred to a study that described these factors,⁸ neither the building industry nor those that represent them acknowledge these other factors in their comments on the Guidelines, nor did they offer any explanation of the complex interactions between those factors. Third, even focusing on the potential effect of environmental mitigation on ultimate housing costs, the comments fail to acknowledge that lead agencies today require applicants to study and mitigate congestion impacts. They offer no evidence to suggest that mitigation to reduce vehicle miles traveled would be any more expensive than mitigation of congestion.

For the reasons stated above, this Agency has little, if any, ability to affect housing affordability. However, within the scope of this rulemaking, the Agency has implemented the changes required by statute in a way that is expected to lower the costs of environmental study and to remove barriers to infill development. Evidence based on the experience of those agencies that have already implemented such changes on the local level indicates that housing approvals will happen quicker and with fewer costs under this proposal.

Some comments suggested that the proposed changes would make infill projects more difficult. Again, the evidence suggests otherwise. For example, the SRIA included a reference to an op-ed penned by the president of the Council of Infill Builders and advocate for infill development, urging completion of these changes. “As leading developers and advocates of infill projects throughout California, we recognize that this proposed reform will remove one of the most common roadblocks used to stop smart city-centered development[.]” (See “‘Driving Miles’ is best measure of new development,” San Francisco Chronicle, Opinion by Curt Johansen and Jeremy Madsen (Nov. 19, 2014), available online at <http://www.sfgate.com/opinion/openforum/article/Driving-miles-is-best-measure-of-new-5904868.php>.) Similarly, as noted above, cities that have already made a similar change at the local level have observed that the change actually facilitates infill development. (See, e.g., Comments of the City and County of San Francisco (“Two years later, we are seeing the benefits of this change as numerous transportation projects and infill developments that previously would have gone through time-consuming, costly vehicular level of service analysis with no beneficial environmental outcomes, are on the ground, approved, or under construction”).) Faced with conflicting assertions regarding the impact on housing, the Agency finds the assertions of the industry association that is focused on infill development, and the observations of local governments that approve infill developments, to be more credible than the unbacked assertions of the comments to the contrary.

⁸ The study referenced is “California’s High Housing Costs: Causes and Consequences,” Legislative Analyst’s Office (2015). The study noted, for example, that one way to reduce costs associated with high land values is to build more units per acre of land. (See *id.* at 13.) CEQA’s current focus on congestion makes it more difficult to build more densely. That same report notes that traffic is a frequently raised concern and that developer responses usually include reducing the project’s size and scope. (See *id.* at 18.) By focusing on vehicle miles traveled instead of congestion, this update to the CEQA Guidelines will remove an existing impediment to building more densely, which will enable lower housing costs. Other sources cited in the Standardized Regulatory Impact Assessment describe other reasons this Agency expects a positive impact on housing prices. The Agency discusses the LAO study only for the purpose of responding to the comments suggesting that it is relevant.

9. Local Governments that Wish to Address Congestion May Do So Through Their Planning Processes.

Some comments submitted by local governments objected to analyzing vehicle miles traveled in CEQA because they asserted that their community places a high value on avoiding traffic congestion. Others asserted that their communities also valued a suburban lifestyle. Studying vehicle miles traveled in CEQA will not prevent either objective. SB 743 states expressly that it “does not preclude the application of local general plan policies, zoning codes, conditions of approval, thresholds, or any other planning requirements pursuant to the police power or any other authority.” (Pub. Resources Code § 21099(b)(4).) Thus, cities and counties can still plan for new development that is consistent with their community’s values. Moreover, to the extent that cities and counties have already adopted fee programs to fund roadway infrastructure, nothing in the CEQA Guidelines will prevent them from continuing those programs.

10. The CEQA Guidelines Appropriately Leave Analysis of Transportation Safety to the Discretion of Lead Agencies.

Some comments suggested that the transportation guideline should specifically address transportation safety. The Agency declines to do so. In an initial draft of the transportation Guideline, OPR included a subdivision devoted to transportation-related safety. Many comments objected to that subdivision, however, indicating that the evaluation of safety is far more nuanced than any general statement in the Guidelines would allow. Therefore, OPR explained in a revised draft that “[w]hile safety is a proper consideration under CEQA, the precise nature of that analysis is best left to individual lead agencies to account for project-specific and location-specific factors.” (Governor’s Office of Planning and Research, “Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA, at p. 5.) Instead, OPR added a discussion of safety considerations to its Technical Advisory. The Agency concurs with OPR, and so declines the comment’s suggestion to add a separate requirement to analyze safety in the transportation section.

11. OPR’s Technical Advisory Provides Non-Binding Technical Assistance, and Is Not a Part of This Rulemaking Package.

Several comments addressed recommendations contained in the Governor’s Office of Planning and Research’s Technical Advisory on Evaluating Transportation Impacts in CEQA (“Technical Advisory”). That document explains its purpose as follows:

This technical advisory is one in a series of advisories provided by the Governor’s Office of Planning and Research (OPR) as a service to professional planners, land use officials, and CEQA practitioners. OPR issues technical assistance on issues that broadly affect the practice of land use planning and the California Environmental Quality Act (CEQA) (Pub.

Resources Code, § 21000 et seq.). (Gov. Code, § 65040, subds. (g), (l), (m).) The purpose of this document is to provide advice and recommendations, which agencies and other entities may use at their discretion. This document does not alter lead agency discretion in preparing environmental documents subject to CEQA. This document should not be construed as legal advice.

...

This advisory contains technical recommendations regarding assessment of VMT, thresholds of significance, and mitigation measures. Again, OPR provides this Technical Advisory as a resource for the public to use at their discretion. OPR is not enforcing or attempting to enforce any part of the recommendations contained herein. (Gov. Code, § 65035 [“It is not the intent of the Legislature to vest in the Office of Planning and Research any direct operating or regulatory powers over land use, public works, or other state, regional, or local projects or programs.”].)

This April 2018 technical advisory is an update to the advisory it published in November 2017. OPR will continue to monitor implementation of these new provisions and may update or supplement this advisory in response to new information and advancements in modeling and methods.

(Technical Advisory, April 2018, at p. 1.) As the Technical Advisory explained, it offers non-binding technical assistance, and will be updated from time to time as the state of the art improves. That document is separate from this CEQA Guidelines rulemaking, and was developed pursuant to OPR’s technical assistance function. (Gov. Code, § 65040, subds. (g), (l), (m).)

Where comments addressed matters that were involved in this rulemaking, the Agency responded in detail in the responses to comments. Where comments addressed the recommendations in OPR’s Technical Advisory, the Agency has forwarded such comments to OPR for its consideration in a future update of that advisory document.

12. CEQA Requires Analysis of the Potential Impacts Associated with Wildfire.

Some comments suggested that the Agency should not include questions in Appendix G related to wildfire. In part, those comments suggested that the California Supreme Court’s decision in *CBIA v. BAAQMD* (2015) 62 Cal.4th 369 precludes the analysis of such hazards on proposed projects. The Agency disagrees. In that decision, the Court held that “agencies subject to CEQA *generally* are not required to analyze the impact of existing environmental conditions on a project’s future users or residents.” (*Id.* at p. 377 (emphasis added).) The Court’s opinion also included a significant caveat: “[w]hen a proposed project risks exacerbating those environmental hazards or conditions that already exist an agency must analyze the potential impact of such hazards on future residents or users.” (*Id.*, at p. 377.) In this

context, an effect that a project “risks exacerbating” is similar to an “indirect” effect. Describing “indirect effects,” the CEQA Guidelines state: “If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect physical change in the environment.” (CEQA Guidelines, § 15064, (d)(2).) Just as with indirect effects, a lead agency should confine its analysis of exacerbating effects to those that are reasonably foreseeable. (*Id.* at subdivision (d)(3).)

In the context of wildfire, it is clear that development may exacerbate wildfire risks. OPR’s General Plan Guidelines, for example, includes an extensive discussion of the interaction between development and wildfire risk areas, including the “wildland-urban interface.” While wildfire risk already exists in such areas, bringing development to those areas makes the risk worse, and not just for fire risk. Recent research explains:

The close proximity of houses and wildland vegetation does more than increase fire risk. As houses are built in the WUI, native vegetation is lost and fragmented; landscaping introduces nonnative species and soils are disturbed, causing nonnatives to spread; pets kill large quantities of wildlife; and zoonotic disease, such as Lyme disease, are transmitted.

(Radeloff, et al., “Rapid growth of the US wildland-urban interface raises wildfire risk,” *PROC NATL ACAD SCI USA* (March 27, 2018) 115 (13) 3314-3319 [citations omitted].) Not all development types are likely to create the same risks, however:

The recognition that homes are vulnerable to wildfire in the wildland-urban interface (WUI) has been established for decades... Analysis of hundreds of homes that burned in southern California the last decade showed that housing arrangement and location strongly influence fire risk, particularly through housing density and spacing, location along the perimeter of development, slope, and fire history. Although high-density structure-to-structure loss can occur, structures in areas with low- to intermediate-housing density were most likely to burn, potentially due to intermingling with wildland vegetation or difficulty of firefighter access. Fire frequency also tends to be highest at low to intermediate housing density, at least in regions where humans are the primary cause of ignitions.

(Syphard AD, Bar Massada A, Butsic V, Keeley JE (2013) “Land Use Planning and Wildfire: Development Policies Influence Future Probability of Housing Loss.” *PLoS ONE* 8(8): e71708.

<https://doi.org/10.1371/journal.pone.0071708> [citations omitted].) In other words, low-density, leapfrog development may create higher fire risk than high-density, infill development.

Notably, Senate Bill 1241 (Kehoe, 2012) specifically required the Agency to update Appendix G with questions related to wildfire risk. One could view wildfire as a specific legislatively-created exception to the general rule the Court described in the *CBIA* decision, though the Court did not specifically analyze its provisions. In any event, the Agency drafted the questions in the new wildfire section to focus on the effects of new projects in creating or exacerbating wildfire risks.

13. The CEQA Guidelines Appropriately Include a Discussion of Remand Following Judicial Review.

Some comments objected to the addition of a guideline addressing remand following a court challenge. As the Agency explained in the Initial Statement of Reasons, “questions may arise regarding what further environmental review is needed, and what project activities, if any, may continue while the agency takes further action. Proposed new section 15234 will assist agencies in complying with CEQA in response to a court’s remand, and help the public and project proponents understand the effect of the remand on project implementation.” The Agency does not intrude on the judicial branch in doing so. The new section states at the outset: “Courts may fashion equitable remedies in CEQA litigation.” The new section does not limit a courts exercise of discretion in any way; rather, it explains to lead agencies and the public what a court may do, and what a lead agency’s obligations may be, once a project has been challenged based on CEQA compliance. This explanation is necessary because some participants in the CEQA process continue to assert that a defect in an environmental document requires complete decertification. (See, e.g., *Center for Biological Diversity v. Department of Fish & Wildlife* (2017) 17 Cal.App.5th 1245.)

14. The Baseline is Normally Existing Conditions, But Some Circumstances May Justify Consideration of an Alternative Baseline.

CEQA Guidelines section 15125 requires an EIR to describe the environmental setting of the project so that the changes can be seen in context. Section 15125 describes the general rule for the environmental setting: “normally,” the baseline consists of physical environmental conditions “as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced.”

Recently, the California appellate courts have focused on exceptions to the general rule, particularly related to the use of a historic or future conditions baseline. In the January 2018 rulemaking package, the Agency proposed to add regulatory text to reflect those appellate decisions. In response to comments on the proposal, the Agency revised the proposed regulatory text in July 2018. As discussed below, the current proposal clarifies in Guidelines section 15125(a)(2) that the procedural requirement to justify a baseline other than existing conditions does not apply to reliance on historic conditions. Rather, that requirement only applies only to use of future conditions as a sole baseline.

Lead agencies have discretion to determine the appropriate environmental setting pursuant to Guidelines section 15125. (*Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 328 [“an agency enjoys the discretion to decide, in the first instance, exactly how the existing physical conditions without the project can most realistically be measured, subject to review, as with all CEQA factual determinations, for support by substantial evidence.”].) The “existing” conditions may be represented by historic or future conditions, as reflected in the Agency’s proposed addition of the following sentence to Guidelines section 15125(a)(1):

Where existing conditions change or fluctuate over time, and where necessary to provide the most accurate picture practically possible of the project’s impacts, a lead agency may define existing conditions by referencing historic conditions, or conditions

expected when the project becomes operational, or both, that are supported with substantial evidence.

A lead agency may consider the historical conditions as the “existing conditions” against which to assess environmental impacts. That determination must be based on substantial evidence. (*North County Advocates v. City of Carlsbad* (2015) 241 Cal.App.4th 94, 105-106 [traffic baseline of unoccupied retail project was “based on the actual historical operation of the space at full occupancy for more than 30 years”; *San Francisco Baykeeper, Inc. v. State Lands Com.* (2015) 242 Cal.App.4th 202, 218 [lead agency “did not abuse its discretion by adopting a baseline that accounted for mining conditions during the five-year period prior to the filing of the” notice of preparation].)

Additionally, a lead agency has the discretion, under appropriate factual circumstances, to use a future baseline that is based on substantial evidence. The California Supreme Court’s discussion in *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 453-454, explains:

Is it ever appropriate for an EIR’s significant impacts analysis to use conditions predicted to prevail in the more distant future, well beyond the date the project is expected to begin operation, to the exclusion of an existing conditions baseline? We conclude agencies do have such discretion. The key, again, is the EIR’s role as an informational document. To the extent a departure from the “norm[]” of an existing conditions baseline (Guidelines, § 15125(a)) promotes public participation and more informed decisionmaking by providing a more accurate picture of a proposed project’s likely impacts, CEQA permits the departure. Thus an agency may forgo analysis of a project’s impacts on existing environmental conditions if such an analysis would be uninformative or misleading to decision makers and the public.

Parenthetically, we stress that the burden of justification articulated above applies when an agency *substitutes* a future conditions analysis for one based on existing conditions, omitting the latter, and not to an agency’s decision to examine project impacts on *both* existing and future conditions.

(*Ibid*, italics in original.)

Further, the Court stated that “nothing in CEQA law precludes an agency, as well, from considering both types of baseline—existing and future conditions—in its primary analysis of the project’s significant adverse effects.” (*Id.* at p. 454.)

Some comments expressed that the originally proposed Guidelines section 15125(a)(2) incorrectly applied the heightened need for justification when an agency uses an historical baseline. In the 15-day revisions, the Agency omitted reference to a “historic conditions baseline” in the current proposed text of section 15125(a)(2). The Agency believes that the current text now accurately reflects the California Supreme Court’s direction governing the appropriateness of the use of a future conditions baseline.

15. While Deferral of Some Details of Mitigation Measures is Permissible, Agencies Must Still Have Substantial Evidence Demonstrating Feasibility.

The Agency updated Section 15126.4 to describe the circumstances in which courts have upheld a lead agency's deferral of mitigation details. In doing so, the Agency examined the decisions in those cases to identify principles supporting the courts' analyses that can guide future agency decision-making. The Agency found that the cases articulated several common factors.

Some comments expressed a different view of the cases, however, or at least how they were described in the Initial Statement of Reasons. Those comments suggested that an agency should be able to defer details if it either adopts a performance standard, or it lists possible measures, but should not be required to do both. Those comments further suggest that the Initial Statement of Reasons appears to support an either/or approach. Comments submitted on the initially proposed language persuaded the Agency that both the text of the guideline and the Final Statement of Reasons should be updated to better capture the common principles described in the case law.

As revised, the guideline on mitigation states: "The specific details of a mitigation measure, however, may be developed after project approval when it is impractical or infeasible to include those details during the project's environmental review, provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure."

Some comments on the 15-Day changes suggested that the guideline should not require all three factors to be present. Specifically, those comments relied primarily on *Defend the Bay* and *Rialto* to argue that a simple list of potential measures might be sufficient. Neither case supports that view, however. While there is a line in that case suggesting that a simple list will suffice, the analysis in the *Defend the Bay* case finds the measures were adequate because they specified performance standards and listed the potential actions that would ultimately mitigate the impacts. (*Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1276 ("The EIR was prepared at the beginning of the planning process, for a General Plan amendment and zoning change, the City has committed to mitigation, and it has specified the criteria to be met").) The court in the *Rialto* case summarized these requirements and the policy as follows:

In sum, "it is sufficient to articulate specific performance criteria and make further [project] approvals contingent on finding a way to meet them." [Citation.] Essentially, the rule prohibiting deferred mitigation prohibits loose or open-ended performance criteria. Deferred mitigation measures must ensure that the applicant will be required to find some way to reduce impacts to less than significant levels. If the measures are loose or open-ended, such that they afford the applicant a means of avoiding mitigation during project implementation, it would be unreasonable to conclude that implementing the measures will reduce impacts to less than significant levels.

Each of the criteria identified in the guideline support such a finding. The first, that the agency commit to implementing the measure, is essential to support a finding that project impacts have, in fact, been mitigated. The second, that the agency identify performance standards, is a key feature found in all of

the cases allowing deferral of mitigation details. It is also necessary to supply substantial evidence that impacts will in fact be reduced to a less than significant level. The third, identification of the types of measures that could achieve the standard, goes to the requirement that measures must be feasible. The case in *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, illustrates the need for this criterion. In that case, the City committed to eliminating all new greenhouse gas emissions, essentially a net-zero standard. However, the court found the measure to be inadequate because there was no discussion of what measures could feasible attain that net-zero standard.

Other comments also opposed the statement in the guideline that deferral of mitigation details may be permissible when developing such details at the time of review is “impractical.” Those comments that “impractical” was too lenient of a standard. The Agency notes, however, that is the standard described in the cases. It is also consistent with CEQA’s policy favoring efficiency in the environmental review process. (See Pub. Resources Code § 21003(f) (“All persons and public agencies involved in the environmental review process be responsible for carrying out the process in the most efficient, expeditious manner in order to conserve the available financial, governmental, physical, and social resources with the objective that those resources may be better applied toward the mitigation of actual significant effects on the environment”).)

16. The Existing Facilities Exemption Appropriately Covers New Uses That Do Not Exceed the Intensity of Either Existing or Former Uses of a Facility.

Some comments objected to the clarification that the Categorical Exemption for Existing Facilities applies when the activity would not expand upon an existing, *or former*, use. Such comments suggested that a use that has been abandoned for a long time, but is later restarted, is in effect a new use. Other comments suggested it would not be appropriate to reauthorize highly polluting uses without additional CEQA review.

As explained in the Initial Statement of Reasons, the phrase “beyond that existing at the time of the lead agency’s determination,” could be interpreted to preclude use of this exemption if a facility were vacant “at the time of the lead agency’s determination,” even if it had a history of productive use, because any use would be an expansion of use compared to an empty building. (See, Comments of the Building Industry Association, August 30, 2013.) The ISOR further noted that considering former uses in determining the applicability of the exemption is consistent with the reasoning in cases addressing the environmental baseline. (See, e.g., *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 327-328 (“Environmental conditions may vary from year to year and in some cases it is necessary to consider conditions over a range of time periods”); *Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316.)

Some comments argued that the caselaw on baseline is not instructive here. The Agency disagrees. The purpose of the requirement to identify a baseline is to allow an agency to determine the degree, and therefore, significance of a change in the environment. Projects that result in only a negligible increase in the use of existing facilities are appropriately exempt because they are likely to result in little change to the environment. If an agency may appropriately look back in time to set the yardstick for analysis of

impacts, it should also be able to look back in time to determine whether a project would intensify uses of existing facilities.

Not only is this interpretation consistent with the cases interpreting baseline, it is also consistent with state policy. The State's planning priorities, for example, emphasize the importance of infill development, reuse and revitalization before expanding beyond the existing urban fabric. (See, e.g., Gov. Code § 65041.1 ("The state planning priorities, which are intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety in the state, including in urban, suburban, and rural communities, shall be ... [t]o promote infill development and equity by rehabilitating, maintaining, and improving existing infrastructure that supports infill development and appropriate reuse and redevelopment of previously developed, underutilized land that is presently served by transit, streets, water, sewer, and other essential services, particularly in underserved areas, and to preserving cultural and historic resources").) Doing so preserves important environmental values such as agricultural and forested lands, biological habitat and open space. These planning priorities have been part of the state's discourse for many years, and were first discussed in California's 1978 Urban Strategy:

Californians can no longer avoid city problems by moving farther and farther from the central cities. . . . ¶ The result is waste: waste of land, particularly valuable agricultural land; waste of older cities and suburbs; waste of air, water and other natural resources; waste of energy; waste of time spent in commuting; and, in the long, a vast waste of money. ¶ Future urban development should be determined with purpose, not solely by chance. Cities and suburbs should provide a productive and human environment for all: for the poor, the old and the disadvantaged, as well as those better able to protect their own interests.

(*Id.*, pp. 7-8, http://opr.ca.gov/docs/urban_strategy.pdf.)

The Agency is sympathetic to concerns about potential misuse of the exemption. Note, however, that categorical exemptions are subject to exceptions. Those exceptions, which include cumulative impacts and significant impacts due to unusual circumstances, will continue to provide a check on potential abuses. (See Public Resources Code, § 21084; CEQA Guidelines, §§ 15300, 15300.2.)

17. Conservation Easements May Be Appropriate Mitigation.

The Agency proposes to revise the definition of "mitigation" in CEQA Guidelines section 15370 to clarify in the CEQA Guidelines that permanent protection of off-site resources through conservation easements constitutes mitigation. Some comments stated that conservation easements should not be considered appropriate mitigation to compensate the loss of agricultural land and other resources. As described below, the Agency believes that the proposed revision to section 15370 is appropriate and consistent with case law.

The Agency proposes to revise CEQA Guidelines section 15370 to incorporate the First District Court of Appeal holding in *Masonite Corporation v. County of Mendocino* (2013) 218 Cal.App.4th 230. In that case, the court ruled that off-site agricultural conservation easements constitute a potential means to

mitigate for direct, in addition to cumulative and indirect, impacts to farmland. The court stated that although such easements do not replace lost onsite resources, they “may appropriately mitigate for the direct loss of farmland when a project converts agricultural land to a nonagricultural use....” (*Id.* at p. 238.) Furthermore, the court stated that this preservation of substitute resources fits within the definition of mitigation in section 15370, subdivision (e), of the Guidelines. (*Ibid.* [“By thus preserving substitute resources, [agricultural conservation easements] compensate for the loss of farmland within the Guidelines’ definition of mitigation.”, citing CEQA Guidelines, § 15370, subd. (e)].)

The Agency further points out that conservation easements are commonly used to mitigate and address adverse environmental impacts. (See *Masonite Corporation, supra*, 218 Cal.App.4th at p. 236 [California Department of Conservation’s (DOC’s) commenting that agricultural conservation easements are a “common and appropriate means of mitigating the loss of prime farmland”], 241 [“The DOC described [agricultural conservation easements] in its comments as ‘accept[ed] and use[d] by lead agencies as an appropriate mitigation measure under CEQA,’ and the administrative record includes evidence that [easements] are so employed by a number of cities and counties.”].) Moreover, off-site conservation easements are used in a variety of contexts to mitigate for a number of resources such as agricultural land, biological resources, and wetlands. (*Masonite Corporation v. County of Mendocino* (2013) 218 Cal.App.4th 230, 238-239 [“[t]here is no good reason to distinguish the use of offsite [agricultural conservation easements] to mitigate the loss of agricultural lands from the offsite preservation of habitats for endangered species, an accepted means of mitigating impacts on biological resources”], citing *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 278 [habitat loss was appropriately mitigated by conservation of other habitat at a one-to-one ratio]; *California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603, 610–611, 614–626 [mitigation by offsite preservation of existing habitat or creation of new habitat]; *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 794 [mitigation by “off-site preservation of similar habitat”]; *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 1018, 1038 [purchase of habitat reserves for every acre of development].)

Some comments also suggested that the reference to “permanent easements” should be modified to include temporary easements. The Agency notes that conservation easements generally conserve land in perpetuity. (See Gov. Code, § 65966, subd. (a); Civ. Code, § 815.2, subd. (b) [“A conservation easement shall be perpetual in duration.”]; Pub. Resources Code, § 10211 [“shall be granted in perpetuity as the equivalent of covenants running with the land”]; Gov. Code, § 65966, subd. (a) [“conservation easement[s] created as a component of satisfying a local or state mitigation requirement shall be perpetual in duration”]; *Building Industry Assn. of Central California v. County of Stanislaus* (2010) 190 Cal.App.4th 582, 594 [“A conservation easement is a voluntarily created interest in real property that is freely transferable in whole or in part and is perpetual in duration. (§ 815.2, subds. (a) and (b).)”). Thus, the Agency finds it appropriate to refer to easements as “permanent” in the definition of “mitigation.” The Agency acknowledges, however, that some dedications of land for conservation purposes may be of limited duration (such as a 30-year dedication). The proposed text does not preclude lead agencies from adopting temporary easements as mitigation measures, provided

that the lead agency has substantial evidence to support a finding that adopting such a temporary measure actually mitigates the impact of the project.

18. Appendix G is a Sample Form That Lead Agencies May Tailor As Appropriate.

Changes to Appendix G, which contains the sample checklist that agencies use to prepare an initial study, prompted more comments than perhaps any other change in this update to the CEQA Guidelines. As OPR explained in its submission to the Agency, it had originally recommended a major reorganization of the checklist to consolidate categories and remove redundant questions, but stakeholders strenuously objected.

OPR continues to see value in rethinking Appendix G, and notes that Appendix G is just a sample format, not a binding mandate. Nevertheless, one of the purposes of this update is to make the process simpler for lead agencies, not more difficult. Therefore, OPR will not recommend a major reorganization of Appendix G at this time.

(OPR, Thematic Responses to Comments, November 2017.)

Thus, the changes the Agency proposes in this update represent a balance of removing redundant questions while keeping the overall format intact. Still, many comments objected, or suggested improvements, to the questions in Appendix G. Of those comments, many indicated that differently worded questions would better account for particular locations, agency activities, or unique circumstances. Again, the Agency reiterates that Appendix G is only a sample form. As explained in a recent case:

“[T]he Guidelines make clear that the checklist form in appendix G is ‘only suggested, and public agencies are free to devise their own format for an initial study.’ (Guidelines, § 15063, subd. (f).) Furthermore, ‘CEQA grants agencies discretion to develop their own thresholds of significance (CEQA Guidelines, § 15064, subd. (d)).’ [Citation] ‘To require any deviation from [the standards of significance in appendix G] to be documented and justified ... is to elevate Appendix G from a suggested threshold to the presumptive threshold. This flatly contradicts both CEQA’s description of Appendix G as only suggested and CEQA’s mandate that agencies have the power to devise their own thresholds.’ [Citation.]”

(*San Francisco Baykeeper, Inc. v. State Lands Com.* (2015) 242 Cal.App.4th 202, 227 (quoting *Rominger v. County of Colusa* (2014) 229 Cal.App.4th 690).)

Note, none of the changes proposed in Appendix G are intended to limit the scope of analysis that CEQA might otherwise require.

19. Consistency with Plans May Be Relevant to a CEQA Analysis, but Only to the Extent that Inconsistency May Lead to a Significant Environmental Impact.

Comments raised multiple variations of the following question: is inconsistency with a plan an environmental impact? Variations include: does it matter if that plan is “applicable” (i.e., legally binding, advisory, draft, etc.), and, even more specifically, what if a plan requires a certain roadway level of service, but the CEQA Guidelines state that automobile delay is not an environmental impact? Because those issues were raised repeatedly, the Agency addresses those themes below.

Consistency with plan is similar to compliance with a regulation.

Initially, the Agency notes that the question of consistency with a plan is similar to issues involving compliance with environmental regulations. Compliance or non-compliance does not conclusively indicate an impact or lack of impact, but it can be a starting point for a lead agency’s analysis. For example, compliance with a plan that has been adopted to address a cumulative environmental problem can be evidence that the project’s incremental contribution is not cumulatively considerable. (CEQA Guidelines § 15064(h)(3).) Additionally, the focus in the Guidelines has historically been, and continues to be, whether a project’s inconsistency with a plan will result in a significant environmental impact. (*Id.* § 15125(d).) Courts have confirmed this approach. (See, e.g., *The Highway 68 Coalition v. County of Monterey* (2017) 14 Cal.App.5th 883, 893; *Wollmer v. City of Berkeley* (2009) 179 Cal.App.4th 933 (application of a density bonus to exceed limits in a general plan or zoning not necessarily an environmental impact); *Marin Mun. Water Dist. v. Kg Land Cal. Corp.* (1991) 235 Cal.App.3d 1652, 1668 (“A local agency engaged in EIR analysis may not ignore regional needs and the cumulative impacts of a proposed project. ... Thus the Guidelines require an EIR to discuss any inconsistencies between the proposed project and applicable general and regional plans”); see also Pub. Resources Code, § 21100(e) (“Previously approved land use documents, including, but not limited to, general plans, specific plans, and local coastal plans, *may be used in cumulative impact analysis*”) (emphasis added).)

Because the focus of the analysis should be on environmental impacts, whether the plan is “applicable” as a legal matter is not relevant to the environmental analysis.

Under CEQA, the focus of the analysis is generally on the project’s impacts on the environment. When determining consistency with plans and policy documents, there are often questions asking whether the plan is “applicable,” and if so, whether the project is inconsistent with the applicable plan. Both of these are legal determinations. Thus, it is only those plans and regulations that are enforceable against a particular project that a lead agency should consider. A project’s inconsistency with an applicable plan may be relevant to analysis if the inconsistency supports whether a project may cause a significant effect. (*Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170, 1207 (“an inconsistency between a project and other land use controls does not in itself mandate a finding of significance. (Citations.) It is merely a factor to be considered in determining whether a particular project may cause a significant environmental effect.”).)

Automobile delay, even in conflict with a plan, is not an environmental impact.

Because Public Resources Code section 21099 preserves local government authority to make planning decisions, congestion can still be measured for planning purposes. In fact, many general plans and zoning codes contain standards related to congestion. Some comments pointed to such standards to

argue that the Guidelines will still require level of service analysis. Those comments misapprehend the law. Public Resources Code section 21099 expressly states that upon the Agency Secretary's certification of the Guidelines, automobile delay is generally no longer a significant environmental impact. Because the statute states that delay is not an environmental impact, conflict with a plan's congestion standards is not relevant to a CEQA analysis.

20. The CEQA Guidelines Can Only Implement the Statute; Broad Changes in CEQA Practice Require Legislative Changes.

CEQA requires the Agency to adopt administrative regulations to guide the implementation of the statute. As recently explained by the California Supreme Court,

Section 21083 provides the Guidelines “shall include objectives and criteria for the orderly evaluation of projects and the preparation of environmental impact reports and negative declarations in a manner consistent with [CEQA].” (§ 21083, subd. (a).) The Guidelines therefore serve to make the CEQA process tractable for those who must administer it, those who must comply with it, and ultimately, those members of the public who must live with its consequences.

[¶]

Through these Guidelines, the Resources Agency gives public agencies a more concrete indication of how to comply with CEQA—including whether such agencies must determine the impact of existing environmental conditions on a proposed project's residents and users. The Guidelines also prove consequential given that under section 21082, CEQA requires agencies subject to its provisions ... to adopt “objectives, criteria and procedures” for evaluating projects and preparing environmental documents. These agencies may, in turn, adopt the Guidelines by reference to fulfill their statutory responsibilities. (§ 21082; see Guidelines, § 15022, subds. (a), (d).) The Guidelines, in effect, enable the Resources Agency to promote consistency in the evaluation process that constitutes the core of CEQA. And because these Guidelines allow the Resources Agency to affect how agencies comply with CEQA, they are central to the statutory scheme.

(*CBIA v. BAAQMD* (2015) 62 Cal.4th 369, 384-385.) While the Agency plays a key role in CEQA's statutory scheme, it is nevertheless constrained by the statute. It cannot adopt a guideline that “alters or amends the governing statute or case law, or enlarges or impairs its scope.” (*CBE v. Resources Agency* (2002) 103 Cal.App.4th 98, 108.) In other words, the Agency cannot create a requirement that does not exist in the statute, nor can it relieve agencies of requirements that are provided in the statute.

As explained in more detail in the individual responses to comments, the Agency had to reject suggestions for changes to the Guidelines that it simply is not authorized to make. For example, the Agency noticed that some comments expressed dire concern about the requirement to study and mitigate impacts and the potential effect of such studies and mitigation requirements on the ability to

carry out projects. On the other hand, some comments suggested that the Agency require more notice of projects, or additional opportunities to comment. While the Agency is sympathetic to economic concerns, and appreciates the value of public participation, the Agency cannot re-write CEQA. That is the province of the legislature.

Similarly, some comments expressed concern that the Guidelines would enable litigation or give opponents of projects a tool to create delay. Litigation risk and the potential for project delays exist with or without these Guidelines, and with or without CEQA. Our state's constitution defers most land use approvals to local governments, many of which require applicants to go through one or more discretionary project reviews. Moreover, our system of laws provide for judicial review of administrative decisions. Again, the Agency is mindful of those concerns, and where possible, has written the Guidelines to avoid those outcomes. The Agency simply does not have the power to remove development uncertainty completely.

E. Summary and Response to Comments

See Appendix A.

F. Statement of Availability

In issuing its 15-day notice to make modifications to the original proposal, the California Natural Resources Agency (Agency) complied with the requirements of Title 1, section 44. The Agency began the available period for comment to the proposed modifications on July 2, 2018 and closed the official comment period at 5:00 p.m., July 20, 2018. It mailed the notice and the proposed modifications to all persons specified in 1 CCR 44 (a)(1)(4). That same day, it also emailed the notice and proposed modifications to its official list serve for electronic notification. Finally, it made the modifications and changes available on its website along with the official notice on July 2, 2018.

G. ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS

No alternatives were proposed to the Agency that would lessen any adverse economic impact on small business. Some commenters proposed limiting the analysis of vehicle miles traveled to transit priority areas, as that phrase is defined by Public Resource Code section 21099, instead of applying the measure statewide. While not expressly advocated, arguably a reduction in the scope of the application of the Guideline would reduce the negligible impact to impacted small-business consultants who are presently hired to analyze congestion. However, as has been described above, the Agency has determined this would not meet the objectives of the Legislature relative to lead agency consideration of impacts from transportation on the environment in a consistent or accurate way, nor would it result in more cost-savings, or efficiency, since vehicle miles traveled is a more affordable analysis that is already performed when greenhouse gas emissions are being analyzed. Accordingly, the Agency declines to adopt this

alternative. (See also Standardized Regulatory Impact Analysis, at pp. 24-27.) No other amendments or additions created any impacts to small business.

H. ALTERNATIVES DETERMINATION

The Agency has determined that no alternative it considered or that was otherwise identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The amendments adopted by the Agency, by and through the Secretary are the only regulatory provisions identified by the Agency that accomplish the goal of providing accurate and efficient environmental metrics for public agencies legally tasked with applying CEQA.

Except as set forth and discussed in the summary and responses to comments, no other alternatives have been proposed or otherwise brought to the Agency's attention.

EXHIBIT 8



State of California
Office of the Attorney General

ROB BONTA
ATTORNEY GENERAL

**Best Practices for Analyzing and Mitigating Wildfire Impacts of
Development Projects Under the California Environmental Quality Act**

I. Introduction

Wildfires are part of California's present, and with the effects of climate change, an increasing part of our future. Development in fire-prone areas increases the likelihood that more destructive fires will ignite, fire-fighting resources will be taxed, more habitat and people will be put in harm's way or displaced, and more structures will burn. It is therefore imperative that local jurisdictions making decisions to approve new developments carefully consider wildfire impacts as part of the environmental review process, plan where best to place new development, and mitigate wildfire impacts to the extent feasible.

This guidance is designed to help lead agencies¹ comply with the California Environmental Quality Act, Public Resources Code, section 21000 et seq. (CEQA), when considering whether to approve projects in wildfire-prone areas. These areas are often in the wildland-urban interface, generally defined as the area where the built environment meets or intermingles with the natural environment.² The California Department of Forestry and Fire Protection (CAL FIRE) has classified lands based on fire risk, the highest being those classified as high or very high fire hazard severity zones. It has also identified areas where the State (as opposed to a local agency) has responsibility for fire-fighting.³ Particularly in these high-risk areas, but also throughout the

¹ Lead agencies are any public agencies with "principal responsibility for carrying out or approving a project which may have a significant effect upon the environment." (Pub. Resources Code, § 21067.)

² CAL FIRE has published an instructive map on the wildland-urban interface in California: https://frap.fire.ca.gov/media/10300/wui_19_ada.pdf. The wildland-urban interface is defined differently by different agencies for different purposes, but the most widely used definition for wildfire purposes include the intermix and interface areas mapped by Radeloff et al. 2005, 2018. See Volker C. Radeloff, et al., *Rapid Growth of the US Wildland-Urban Interface Raises Wildfire Risk*. PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES USA, 115(13):3314-3319 (2018), available at <https://www.pnas.org/doi/10.1073/pnas.1718850115>.

³ See <https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>. Note that areas mapped by CAL FIRE as high or very high fire risk are not always coextensive with the wildland-urban interface. In addition, CAL FIRE's maps are currently in the process of being updated and lead agencies should consult with CAL

wildland-urban interface, wildfire risks must be considered during the environmental review process for individual development projects.

This guidance provides suggestions for how best to comply with CEQA when analyzing and mitigating a proposed project's impacts on wildfire ignition risk, emergency access, and evacuation.⁴ This guidance is aimed at proposed development projects, such as residential, recreational, or commercial developments.⁵ The extent to which it applies will inherently vary by project, based on project design and location. This document does not impose additional requirements on local governments or alter any applicable laws or regulations. Rather, it is intended to provide guidance on some of the issues, alternatives, and mitigation measures that should be considered during the environmental review process. This guidance is based on the Office of the Attorney General's experience reviewing, commenting on, and litigating CEQA documents for projects in high wildfire prone areas, and is intended to assist lead agencies with their planning and approval of future projects. The guidance reflects current requirements and conditions and may need to be updated as changes occur.

II. Background

Although wildfires are and have been an important natural process throughout California's history, recent changes in fire frequency, intensity, and location are posing increasing threats to the residents and environment of California. More acres of California have burned in the past decade than in the previous 90 years⁶ and eight of the State's ten largest fires since 1932 have occurred in the last decade.⁷ While lightning is a common cause of some of the State's largest

FIRE before relying on the classifications listed on this map. CAL FIRE's list of state responsibility areas (defined as areas where the State of California, as opposed to a local agency, is financially responsible for prevention and suppression of wildfires) can be found at: <https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=468717e399fa4238ad86861638765ce1>. Each county should have a map of the very high or high fire hazard severity zones in its jurisdiction, and they are also included on the CAL FIRE zone map: <https://egis.fire.ca.gov/FHSZ/>.

⁴ Readers who want to determine their legal obligations under CEQA should consult their own attorney for legal advice.

⁵ This guidance is not intended to apply to state and local agency fire management activities, such as prescribed burns, approval of vegetation management plans to reduce wildfire risk, and review of timber harvesting plans.

⁶ CAL FIRE, Top 20 Largest California Wildfires (Jan. 13, 2022), available at https://www.fire.ca.gov/media/4jandlhh/top20_acres.pdf. See also Hugh D. Safford et al., *The 2020 California Fire Season: A Year Like No Other, a Return to the Past or a Harbinger of the Future?* (Apr. 17, 2022) GLOBAL ECOLOGY AND BIOGEOGRAPHY, available at <https://onlinelibrary.wiley.com/doi/10.1111/geb.13498?af=R>.

⁷ Paul Rogers, *Map: 1 of Every 8 acres in California has Burned in the Last 10 Years. Here's Where the Biggest Fires Spread—and are Burning Now*, Mercury News (Sept. 29, 2021), available at <https://www.mercurynews.com/2021/09/29/top-10-california-wildfires-megafires-map/>. Notably, the large fires of late are not unprecedented in the State's history with similarly large fires occurring specifically during the 1920s. See Jon E. Keeley & Alexandra D. Syphard, *Large California Wildfires: 2020*

fires, in recent years, many of the State's most destructive fires have been caused by human activity, such as downed powerlines or electrical sources associated with residential development or industrial facilities.⁸

Wildfires can have dramatic, adverse ecological impacts. Frequent wildfires can result in habitat loss and fragmentation, shifts in vegetative compositions, reductions in small mammal populations, and accelerated loss of predatory species.⁹ Wildfire can also have adverse impacts on erosion and water quality. During active burning, ash and associated contaminants can enter water supplies. Later, after large burns, rainstorms can flush vast amounts of sediment from exposed soils into those same water supplies.¹⁰

Wildfires also have tragic consequences for California's residents. Since 2010, wildfires have killed nearly 150 people in California¹¹ and, since 2005, wildfires have destroyed over 97,000 structures,¹² requiring mass evacuations and exacerbating the State's already-pressing need for more housing. In addition, wildfire smoke is unhealthy to breathe and is a public health concern.¹³ Further, wildfire losses are not experienced equally. Lower-income households are more likely to lose all of their assets and less likely to have adequate insurance to cover their losses.¹⁴ Meanwhile, the costs of wildfire suppression and resiliency have become significant. In

Fires in Historical Context (Aug. 25, 2021) FIRE ECOLOGY, available at <https://fireecology.springeropen.com/articles/10.1186/s42408-021-00110-7>.

⁸ See CAL FIRE, Top 20 Largest California Wildfires (Jan. 13, 2022), available at https://www.fire.ca.gov/media/4jandlhh/top20_acres.pdf; CalFire, Top 20 Most Destructive California Wildfires (Jan. 13, 2022), available at https://www.fire.ca.gov/media/t1rdhizr/top20_destruction.pdf.

⁹ See Alexandra D. Syphard, et al., *Human Influence on California Fire Regimes*. ECOLOGICAL APPLICATION 17:1388-1402 (2007).

¹⁰ United States Environmental Protection Agency, Wildfires: How do They Affect Our Water Supplies? (Aug. 13, 2019), available at <https://www.epa.gov/sciencematters/wildfires-how-do-they-affect-our-water-supplies#:~:text=Vegetation%20that%20holds%20soil%20in,%2C%20rivers%2C%20and%20downstream%20reservoirs>.

¹¹ CAL FIRE, Top Deadliest California Wildfires (Oct. 22, 2021), available at https://www.fire.ca.gov/media/lbfd0m2f/top20_deadliest.pdf.

¹² Headwaters Economics, Wildfires Destroy thousands of structures each year (Nov. 2020, updated Aug. 2022), available at <https://headwaterseconomics.org/natural-hazards/structures-destroyed-by-wildfire/>.

¹³ See Kurtis Alexander, *California Ranks Worst in Nation for Air Pollution Because of Wildfire Smoke*, S.F. Chronicle (June 23, 2022), available at <https://www.sfchronicle.com/bayarea/article/california-air-quality-17259687.php>. See also Lora Kolodny, *The West Coast Is Suffering from Some of the Worst Air in the World — These Apps Show How Bad it Is*, CNBC (Sept. 13, 2020), available at <https://www.cnbc.com/2020/09/12/air-quality-apps-purpleair-airnow-iqair-essential-in-western-us.html>; and California Air Resources Board, *Protecting Yourself from Wildfire Smoke*, available at <https://ww2.arb.ca.gov/protecting-yourself-wildfire-smoke>.

¹⁴ California Council on Science and Technology, *The Costs of Wildfire in California* (Oct. 2020), at p. 69, available at <https://ccst.us/reports/the-costs-of-wildfire-in-california/>.

2021, the State invested \$1.5 billion in wildfire resiliency efforts, and the 2022-2023 budget includes an additional \$1.2 billion to support wildfire and forest resilience.¹⁵ The changing nature of wildfires, under various metrics—frequency, area burned, adverse ecological impacts, the number of Californians displaced—is a worsening crisis that will unfortunately be part of California’s future.¹⁶

As of 2010, about one-third of California’s housing units were located within the wildland-urban interface.¹⁷ Residential developments in the wildland-urban interface and other wildfire prone areas can significantly increase the risks of wildfires and the risk to public safety for several reasons. First, introducing more people—via additional development—into a flammable landscape increases the likelihood of: (1) a wildfire igniting due to the increased presence of people; and (2) the ignition becoming a wildfire because of the placement of homes amongst the flammable vegetation.¹⁸ Second, building housing units in the wildland-urban interface puts more people in harm’s way.¹⁹ Wildfires, particularly those that impact developments in relatively remote locations, may impede the evacuation of communities and emergency access, making it more difficult to ensure public safety and to limit, control, or extinguish wildfires. Finally, fires in remote locations require significant fire-fighting resources and mobilization of fire-fighters from all over the State—putting a major strain on the State’s fire-fighters and the State’s budget. Put simply, bringing more people into or near flammable wildlands leads to more frequent, intense, destructive, costly, and dangerous wildfires.²⁰

¹⁵ Gavin Newsom, California State Budget (2022-2023), at p. 61, available at <https://www.ebudget.ca.gov/FullBudgetSummary.pdf>; California State Budget, Budget Addendum (2021-2022), at p. 3, available at <https://www.ebudget.ca.gov/BudgetAddendum.pdf>.

¹⁶ See California Council on Science and Technology, *The Costs of Wildfire in California* (Oct. 2020), at p. 17, available at <https://ccst.us/reports/the-costs-of-wildfire-in-california/>.

¹⁷ Community Wildfire Planning Center, Land Use Planning Approaches in the Wildland-Urban Interface (Feb. 2021), at p. 7, available at https://www.communitywildfire.org/wp-content/uploads/2021/02/CWPC_Land-Use-WUI-Report_Final_2021.pdf; see also Heather Anu Kramer, et al., *High Wildfire Damage in Interface Communities in California* (2019) INTERNATIONAL JOURNAL OF WILDLAND FIRE, available at https://www.fs.usda.gov/nrs/pubs/jrnl/2019/nrs_2019_kramer_001.pdf. At the current rate of growth and under current growth patterns, it is anticipated that an additional 645,000 housing units will be developed in areas designated by CAL FIRE as very high fire hazard severity zones by 2050. Next 10, Rebuilding for a Resilient Recovery: Planning in California’s Wildland Urban Interface (June 2021), at p. 9, available at <https://www.next10.org/publications/rebuilding-resilient>.

¹⁸ See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) *Fremontia*, 47(2), at p. 29; Volker C. Radeloff, et al., *Rapid Growth of the US Wildland-Urban Interface Raises Wildfire Risk*. PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES USA, 115(13):3314-3319 (2018).

¹⁹ See Heather Anu Kramer, et al., *High Wildfire Damage in Interface Communities in California* (2019) International Journal of Wildland Fire, available at https://www.fs.usda.gov/nrs/pubs/jrnl/2019/nrs_2019_kramer_001.pdf; Volker C. Radeloff, et al., *Rapid growth of the US wildland-Urban interface raises wildfire risk*. PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES USA, 115(13):3314-3319 (2018).

²⁰ See Michael L. Mann, et al., *Incorporating Anthropogenic Influences into Fire Probability Models: Effects of Human Activity and Climate Change on Fire Activity in California* (Apr. 28, 2016) PLOS ONE

III. Wildfire and Land Use Planning

While this guidance is focused on best practices to disclose, analyze, and mitigate wildfire impacts in compliance with CEQA, it is important to note that general planning also provides a critical opportunity for local jurisdictions to think proactively about how to accommodate their housing and development needs while reducing the risks of wildfire.²¹ In the last ten years, new legislation has passed requiring local jurisdictions to consider wildfire risks in their general planning processes.²² The Governor’s Office of Planning and Research (OPR) recently published comprehensive guidance to help local agencies comply with these requirements.²³ We encourage local jurisdictions to consult this guidance and to thoughtfully plan for new development given the increasing risk of wildfires throughout the state.²⁴

11(4), available at <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0153589>; Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) *FREMONTIA*, 47(2), at pp. 28-35, available at <https://pubs.er.usgs.gov/publication/70215982>; Alexandra D. Syphard, et al., *Land Use Planning and Wildfire: Development Policies Influence Future Probability of Housing Loss* (2013) *PLOS ONE*, available at <https://journals.plos.org/plosone/article/file?id=10.1371/journal.pone.0071708&type=printable>; see also Final Statement of Reasons for Regulatory Action re Amendments to the State CEQA Guidelines OAL Notice File No. Z-2018-0116-12 (“Statement of Reasons”), at p. 87, available at https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2018_CEQA_Final_Statement_of%20Reasons_111218.pdf.

²¹ See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) *FREMONTIA*, 47(2), at p. 33, available at <https://pubs.er.usgs.gov/publication/70215982> [concluding that “the most effective strategy at reducing future structure loss would focus on reducing the extent of low-density housing via careful land planning decisions”].

²² See Sen Bill No. 1241 (2011-2012 Reg. Sess.), amending and/or adding Gov. Code, §§ 65302, subd. (g)(3), 65302.5, subd. (b), and 66474.02) [requiring local jurisdictions within state responsibility areas or very high fire hazard severity zones to address wildfire risk when updating their safety elements and to submit their draft updates to the State Board of Forestry and Fire Protection for review]; Sen. Bill No. 99 (2019-2020 Reg. Sess.), amending Gov. Code, § 65302, subd. (g)(5) [requiring updated safety elements to identify residential developments within hazard areas that do not have at least two evacuation routes]; Assem. Bill No. 747 (2019-2020 Reg. Sess.), adding Gov. Code, § 65302.15 [requiring local jurisdictions to update their safety element to address the capacity of evacuation routes under a range of various emergency scenarios]; Assem. Bill No. 1409 (2020-2021 Reg. Sess.), amending Gov. Code, § 65302.15 [requiring that safety elements identify locations where people can evacuate to].

²³ Governor’s Office of Planning and Research, *Fire Hazard Planning Technical Advisory*, 2022 Update (Aug. 2022), available at https://opr.ca.gov/docs/20220817-Fire_Hazard_Planning_TA.pdf; and *Wildland-Urban Interface Planning Guide: Examples and Best Practices for California Communities* (Aug. 2022), available at https://opr.ca.gov/docs/20220817-Complete_WUI_Planning_Guide.pdf.

²⁴ Local jurisdictions that have complied with their general planning obligations, including incorporating wildfire and evacuation planning considerations into their general plans, may benefit from streamlined CEQA requirements at the project approval level. If a development project is consistent with an updated general plan and an environmental impact report (EIR) was prepared for that plan, the CEQA review for the project may be limited to the parcel-specific impacts of the project or impacts that new information,

IV. Analyzing and Mitigating Wildfire Risk Impacts Under CEQA

A. CEQA's requirements for analyzing wildfire risks

CEQA requires local jurisdictions considering development projects to prepare an environmental impact report (EIR) or a mitigated negative declaration²⁵ if the project may potentially have a significant impact on the environment and is not otherwise exempt from CEQA.²⁶ Under CEQA, local jurisdictions may act as lead agencies with responsibility for preparing the EIR (or other CEQA document), or as responsible agencies relying on an EIR prepared by a lead agency. CEQA provides a critical process for local jurisdictions to understand how new developments will exacerbate existing wildfire risks, allowing them to consider project design features, alternatives, and mitigation measures that provide for smarter development and the protection of existing communities.

The CEQA Guidelines²⁷ require that an EIR include a description of the physical environmental conditions in the vicinity of the project, at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced.²⁸ This “baseline” of existing environmental conditions is generally used to determine the significance of project-related impacts. In the EIR’s discussion of the existing environmental conditions, lead agencies should include information about open space areas and habitats within the project area that may be fire prone, as well as a discussion of fire history and fuels on the project site. Including a discussion of existing available water supplies for fire-fighting is also critical. Providing detail about existing environmental conditions at the project site that may exacerbate or minimize wildfire impacts will help ensure that the EIR fully considers the project’s impacts on wildfire risk.

The CEQA Guidelines require an analysis of “any significant environmental effects the project might cause or risk exacerbating by bringing development and people into the area affected,” including by locating development in wildfire risk areas.²⁹ The “environmental checklist form” in Appendix G of the CEQA Guidelines, Section XX, directs lead agencies to assess whether

arising since adoption of the general plan, shows will be more significant than described in the prior EIR. (Pub. Resources Code, § 21083.3; CEQA Guidelines, § 15193).

²⁵ Where “EIR” is used in this guidance it should also be considered to refer to a mitigated negative declaration.

²⁶ Pub. Resources Code, § 21067; CEQA Guidelines, §§ 15050 and 15367.

²⁷ The CEQA Guidelines are found at California Code of Regulations, title 14, section 15000, et seq.

²⁸ CEQA Guidelines, § 15125.

²⁹ CEQA Guidelines, § 15126.2.

projects located *in or near* state responsibility areas or lands classified as very high fire hazard severity zones,³⁰ would:

- a) Substantially impair an adopted emergency response plan or emergency evacuation plan;
- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire;
- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.³¹

In addition to the four questions above, Section IX(g) of the checklist broadly directs lead agencies to consider whether a project will “expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.”³² In answering these questions, lead agencies must consider both on- and off-site impacts.³³

B. Analyzing a project’s impact on wildfire risks

Several variables should be considered in analyzing a project’s impact on wildfire risk, including:

- **Project Density:** Project density influences how likely a fire is to start or spread, and how likely it is that the development and its occupants will be in danger when a fire starts. Fire spread and structure loss is more likely to occur in low- to intermediate-density developments.³⁴ This is because there are more people present to ignite a fire (as compared to undeveloped land), and the development is not concentrated enough

³⁰ See footnote 1 for more information on state responsibility areas and very high fire hazard severity zones.

³¹ CEQA Guidelines, Appendix G, XX.

³² CEQA Guidelines, Appendix G, IX(g). This Guidance focuses on these key wildfire-related questions in Sections IX(g) and XX of the checklist, but in conducting environmental review, lead agencies must continue to thoroughly address the other questions identified in Section XX and the checklist more generally.

³³ CEQA Guidelines, § 15360 [defining the environment to be considered as “the area in which significant effects would occur either directly or indirectly as a result of the project”].

³⁴ Alexandra D. Syphard, *The Relative Influence of Climate and Housing Development on Current and Projected Future Fire Patterns and Structure Loss Across Three California Landscapes* (2019) GLOBAL ENVIRONMENTAL CHANGE; Alexandra D. Syphard, et al., *Housing Arrangement and Location Determine the Likelihood of Housing Loss Due to Wildfire* (Mar. 28, 2012) PLOS ONE, available at <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0033954>.

(as compared to high-density developments) to disrupt fire spread by removing or substantially fragmenting wildland vegetation.³⁵ “Isolated clusters of development and low housing density mean that homes are embedded within, and more exposed to, a matrix of wildland vegetation.”³⁶ Moreover, fire-fighters may have difficulty accessing more remote and disconnected developments.³⁷

- **Project Location in the Landscape:** Project placement in the landscape relative to fire history, topography and wind patterns also influences wildfire risk. Although wildfire ignitions are primarily human-caused in California, wildfire behavior is largely driven by topography, fuel, climatic conditions, and fire weather (such as low humidity and high winds). How a development project is planned within the landscape determines to what extent it will influence fire risk.³⁸ For example, if a project site is located in a wind corridor, above-ground power lines may become a source of ignition. Similarly, siting residential structures in rugged terrain or on the top of steep hills may increase the wildfire risk. By contrast, if a project site includes landscape features that could prevent or slow the spread of fire, such as a lake or an irrigated golf course, the development may be strategically located so as to capitalize on that feature as a natural fuel break.³⁹

³⁵ See generally Alexandra D. Syphard, et. al., *Multiple-Scale Relationships between Vegetation, the Wildland-Urban Interface, and Structure Loss to Wildfire in California* (Mar. 12, 2021) MDPI FIRE 2021.

³⁶ Max A. Moritz, et al., *Learning to Coexist with Wildfire* (2014) NATURE 515(7525), at p. 64; see also Alexandra D. Syphard, et. Al., *Multiple-Scale Relationships between Vegetation, the Wildland-Urban Interface, and Structure Loss to Wildfire in California* (March 12, 2021) MDPI FIRE 2021.

³⁷ See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) FREMONTIA, 47(2), at p. 31.

³⁸ See generally Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020) University of California Agriculture and Natural Resources, Publication 8680, available at <https://escholarship.org/uc/item/6n12m6pn>; Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) FREMONTIA, 47(2), at pp. 28-35, available at <https://pubs.er.usgs.gov/publication/70215982>.

³⁹ See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020) University of California Agriculture and Natural Resources, Publication 8680, at p. 10, available at <https://escholarship.org/uc/item/6n12m6pn>; see also Conservation Biology Institute, *Paradise Nature-Based Fire Resilience Project Final Report* (June 2020), available at https://d2k78bk4kdhbpr.cloudfront.net/media/reports/files/CBI_Paradise_Final_Report_for_Posting_Online.pdf [An examination of how siting and greenbelts may have protected homes during the Paradise fire]. Siting of a new fire-resistant development between wildlands and existing development may even serve as a protective barrier for the existing development. But there can still be some risk of ember spread if the new development succumbs to fire. See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) FREMONTIA, 47(2), at pp. 28-35, available at <https://pubs.er.usgs.gov/publication/70215982>; California Council on Science and Technology, *The Costs of Wildfire in California* (Oct. 2020), at p. 67, available at <https://ccst.us/reports/the-costs-of-wildfire-in-california/>.

- **Water Supply and Infrastructure:** As part of evaluating a project's wildfire risk impacts, an EIR should analyze the adequacy of water supplies and infrastructure to address fire-fighting within the project site.⁴⁰ This analysis should consider the potential loss of water pressure during a fire, which may decrease available water supply⁴¹ and the potential loss of power, which may eliminate the supply.⁴²

To understand how a project may exacerbate the risk of wildfire, an EIR should qualitatively assess these variables and also use fire modeling and other spatial and statistical analyses to quantify the risks to the extent feasible. Experts should utilize fire models to account for various siting and design elements, as well as a variety of different fire scenarios. The modeling should include scenarios for fires that start in, near, and far from the project site, as well as extreme weather conditions that exacerbate fire spread.

Lead agencies are encouraged to develop thresholds of significance that either identify an increase in wildfire risk as a significant impact or determine, based on substantial evidence, that some increase in the risk of wildfires is not considered a significant impact. Relevant factors should include the project's impact on ignition risk, the likelihood of fire spread, and the extent of exposure for existing and new residents based on various fire scenarios. Modeling the various scenarios enables local agencies to quantify increased wildfire risks resulting from a project adding more people to wildfire prone areas and to assess the risks according to the threshold of significance.

Some EIRs have concluded that the conversion of some wildland vegetation into paved development reduces or does not increase wildfire risk. This conclusion is contrary to existing evidence and the well-accepted understanding that the fundamental driver of increased wildfire risk is the introduction of people into a flammable landscape.⁴³ Accordingly, the conversion of vegetation into developed land does not obviate the need for lead agencies to carefully consider and model how the addition of development into wildfire prone areas contributes to the risk of wildfire.

⁴⁰ See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020) University of California Agriculture and Natural Resources, Publication 8680, at p. 19 and Appendix B, available at <https://escholarship.org/uc/item/6n12m6pn>.

⁴¹ See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020), at p. 19, University of California Agriculture and Natural Resources, Publication 8680, available at <https://escholarship.org/uc/item/6n12m6pn>.

⁴² See Alexandra D. Syphard, *Nexus Between Wildfire, Climate Change and Population Growth in California* (2020) *FREMONTIA*, 47(2), at p. 26.

⁴³ See Heather Anu Kramer, et al., *High Wildfire Damage in Interface Communities in California* (2019) *INTERNATIONAL JOURNAL OF WILDLAND FIRE*, available at https://www.fs.usda.gov/nrs/pubs/jrnl/2019/nrs_2019_kramer_001.pdf; see also Exhibit A to the Final Statement of Reasons for Regulatory Action re Amendments to the State CEQA Guidelines, OAL Notice File No. Z-2018-0116-12, at p. 212, available at https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2018_CEQA_ExA_FSOR.pdf.

C. Analyzing the project's impact on evacuation and emergency access

The addition of new development into high wildfire risk or adjacent areas may impact the evacuation of project residents, as well as the existing population (e.g., residents, workers, students, visitors, and possibly livestock) in the area and the ability of emergency responders to simultaneously access the area to fight wildfire. This can, in turn, impact the risk and extent of large-scale fire spread and community safety within and around the new development. The EIR should evaluate these impacts both during construction and over the life of the project. The required analysis is relative to a project's impacts and risks; e.g., a higher density infill project within an already developed area would likely not require the same level of analysis as a new low-density development within the wildland-urban interface and surrounded largely by open space.⁴⁴

For projects located in high wildfire risk areas that present an increased risk of ignition and/or evacuation impacts, evacuation modeling and planning should be considered and developed at the time of project review and approval—when there is greater flexibility to modify a project's design, density, siting, and configuration to address wildfire considerations—rather than deferred to a later stage of the development process. Lead agencies will be best-positioned to ensure proposed development projects facilitate emergency access and ease constraints on evacuation with this information in hand prior to project approval. The ultimate objective is to allow for informed decision-making that minimizes the environmental and public safety hazards associated with new developments that increase the risk of ignition and impede evacuation in high wildfire prone areas.

Evacuation modeling and analysis should include the following:

- Evaluation of the capacity of roadways to accommodate project and community evacuation and simultaneous emergency access.
- Assessment of the timing for evacuation.
- Identification of alternative plans for evacuation depending upon the location and dynamics of the emergency.
- Evaluation of the project's impacts on existing evacuation plans.
- Consideration of the adequacy of emergency access, including the project's proximity to existing fire services and the capacity of existing services.
- Traffic modeling to quantify travel times under various likely scenarios.

⁴⁴ See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020), University of California Agriculture and Natural Resources, Publication 8680, at p. 5, available at <https://escholarship.org/uc/item/6n12m6pn> [describing the benefits of infill development].

In considering these evacuation and emergency access impacts, lead agencies may use existing resources and analyses, but such resources and analyses should be augmented when necessary. For example, agencies should:

- Utilize information from the EIR's analysis of traffic/transportation impacts, but they should not limit themselves to that information, which may not reflect the impact of emergency conditions on travel times.
- Consult with local fire officials and ensure that assumptions and conclusions regarding evacuation risk are substantiated with sound facts. Emergency conditions may not allow for ideal evacuation scenarios—staggered, staged, or targeted evacuation in response to a wildfire may sometimes be possible, but human behavior is difficult to predict and wildfires can be erratic, unpredictable, and fast-moving.⁴⁵
- Consider impacts to existing evacuation plans, but recognize that, depending on the scope of an existing evacuation plan, additional analyses or project-specific plans may be needed. Community evacuation plans often identify roles and responsibilities for emergency personnel and evacuation routes, but do not necessarily consider the capacity of roadways, assess the timing for community evacuation, or identify alternative plans for evacuation depending upon the location and dynamics of the emergency.
- Avoid overreliance on community evacuation plans identifying shelter-in-place locations. Sheltering in place, particularly when considered at the community planning stage,⁴⁶ can serve as a valuable contingency, but it should not be relied upon in lieu of analyzing and mitigating a project's evacuation impacts.⁴⁷

Local jurisdictions are encouraged to develop thresholds of significance for evacuation times. These thresholds should reflect any existing planning objectives for evacuation, as well as

⁴⁵ See FEMA and U.S. Fire Administration, *Wildland Urban Interface: A Look at Issues and Resolutions* (June 2022), available at <https://www.usfa.fema.gov/downloads/pdf/publications/wui-issues-resolutions-report.pdf>.

⁴⁶ FEMA, *Planning Considerations: Evacuation and Shelter-in-Place* (July 2019), available at <https://www.fema.gov/sites/default/files/2020-07/planning-considerations-evacuation-and-shelter-in-place.pdf>. The distinction between temporary shelter-in-place locations and buildings designed or retrofitted for longer term shelter-in-place should also be considered. See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020) University of California Agriculture and Natural Resources, Publication 8680, at p. 17, available at <https://escholarship.org/uc/item/6n12m6pn> [discussing the difference between “safety zones”—areas with little flammable vegetations, such as golf courses—versus buildings that are designed to provide protection from heat and embers while the front of a fire passes, typically for a duration of at least 30-60 minutes].

⁴⁷ See Mejia, *Pepperdine University Defends ‘Shelter in Place’ Decision During Woolsey Fire*, Los Angeles Times (Nov. 13, 2018), available at <https://www.latimes.com/local/lanow/la-me-ln-pepperdine-shelter-20181113-story.html>; Chandler, *Am I Going to Stay in the Parking Lot . . . While the Fires Burn Around Me?*, Record Searchlight (Dec. 12, 2019), available at <https://www.redding.com/in-depth/news/2019/04/25/california-wildfire-shelter-place-plans-questioned-evacuation-preparation/3427075002/>.

informed expert analysis of safe and reasonable evacuation times given the existing and proposed development. Local jurisdictions should consider whether any increase in evacuation times for the local community would be a significant impact. A conclusion that an increase in evacuation times is a less than significant impact should be based on a threshold of significance that reflects community-wide goals and standards.

In establishing thresholds, local jurisdictions should consider referring to successful evacuations from prior emergencies within their community or similarly situated communities. The thresholds should include, but not be limited to, whether the project creates an inconsistency with: (1) an adopted emergency operations or evacuation plan; (2) a safety element that has been updated per the requirements in Government Code sections 65302(g)(5) and 65302.15 to integrate wildfire and evacuation concerns; or (3) recommendations developed by the California Board of Forestry and Fire Protection regarding the safety of subdivisions pursuant to Public Resources Code section 4290.5.

D. Mitigating wildfire risk, evacuation, and emergency access impacts

If a project presents significant increased wildfire risks and/or evacuation and access impacts, CEQA requires the lead agency to consider and adopt feasible alternatives and mitigation measures to avoid or reduce the project's impacts (or make a finding of overriding consideration).⁴⁸ Not all project design features or mitigation measures will achieve the same reduction in impacts for every project—the effects and effectiveness of measures will vary geographically and by project. An EIR that baldly concludes that certain project design features or mitigation measures will reduce or eliminate all potential wildfire risks, without first describing those risks, fails to fully analyze the project's impacts. Compressing the analysis of impacts and mitigation deprives decision makers of a full description of the project's adverse impacts and, therefore, fails to equip the decision makers with the necessary information to properly address the impacts by adopting project design features, mitigation measures, or alternatives. To avoid this error and provide for better project design, the project EIR should first analyze the increased wildfire risks and evacuation impacts, and then consider feasible mitigation and alternatives to avoid or reduce those impacts.

Set forth below are some examples of potential mitigation measures and design alternatives that may reduce wildfire risk impacts. This list is not exclusive and a lead agency's adoption of some or all of these mitigation measures for a particular project may not be sufficient to comply with CEQA's requirement to adopt all feasible mitigation measures.

- Increasing housing density and consolidated design, relying on higher density infill developments as much as possible.
- Avoidance and minimization of low-density exurban development patterns or leapfrog-type developments (i.e., those with undeveloped wildland between developed areas).

⁴⁸ Pub. Resources Code, § 21081.

- Decreasing the extent and amount of “edge,” or interface area, where development is adjacent to undeveloped wildlands.
- Creation of buffer zones and defensible space within and adjacent to the development, with particular attention to ensuring that vegetation will not touch structures or overhang roofs.⁴⁹ It is also important that legal obligations are structured so that defensible space measures are retained over time.⁵⁰
- Siting projects to maximize the role of low-flammability landscape features that may buffer the development from fire spread.
- Undergrounding power lines.
- Limiting development along steep slopes and amidst rugged terrain, so as to decrease exposure to rapid fire spread and increase accessibility for fire-fighting.
- Placement of development close to existing or planned ingress/egress and designated evacuation routes to efficiently evacuate the project population and the existing community population, consistent with evacuation plans, while simultaneously allowing emergency access.
- Placement of projects close to adequate emergency services.
- Construction of additional points of ingress and egress and modification of evacuation routes to minimize or avoid increasing evacuation times or emergency access response times.
- Fire hardening structures and homes—upgrading the building materials and installation techniques to increase the structure’s resistance to heat, flames, and embers—beyond what is required in applicable building codes, both for new structures and existing structures in proximity to the new development.
- Requiring fire-hardened communication to the project site including high-speed internet service.
- Enhanced communication to the project population about emergency evacuation plans and evacuation zones.
- Parking limitations to ensure access roads are not clogged with parked vehicles.
- On-site water supply/storage to augment ordinary supplies that may be lost during a wildfire.

In all situations, mitigation measures should be combined and tailored to the specifics of the project, the surrounding landscape, and nearby existing uses. In some contexts, the mitigation measure itself may have an adverse impact that should be evaluated in an EIR. In addition,

⁴⁹ Note, however, that defensible space around homes does not alone tend to account for structural survival. See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) *FREEMONTIA*, 47(2), at p. 32, available at <https://pubs.er.usgs.gov/publication/70215982>; Alexandra D. Syphard et al., *The Role of Defensible Space for Residential Structure Protection During Wildfires* (Oct. 14, 2014) *INTERNATIONAL JOURNAL OF WILDLAND FIRE*, available at <http://dx.doi.org/10.1071/WF13158>.

⁵⁰ See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020), at p. 12, University of California Agriculture and Natural Resources, Publication 8680, available at <https://escholarship.org/uc/item/6n12m6pn>.

mitigation measures may not provide the same level of protection or mitigation in all scenarios.⁵¹ For example, home hardening has been shown to be an extremely effective measure for preventing structure loss during a wildfire. The California Building Code was updated in 2008 to require more advanced fire hardening and homes built to the revised standards were shown to be 40 percent less likely to be destroyed by a wildfire than similarly situated homes built prior to the update.⁵² However, home hardening by itself may not be an adequate mitigation measure in all situations. During the Camp Fire, which swept through Paradise in 2018, homes built before and after the 2008 Building Code update were destroyed at roughly equal rates.⁵³ Home hardening in conformance with the 2008 Building Code alone did not meaningfully effect survivability; rather, proximity to other destroyed structures, the extent of vegetative overstory, and defensive space around homes was more relevant to whether or not a home survived.⁵⁴ While home hardening may be a worthy measure, this highlights the importance of combining measures, with an awareness to overall landscape conditions, to maximize public safety and minimize wildfire-related losses. It also demonstrates that defensive measures can improve but do not guarantee survivability, which highlights the continued importance of planning for evacuation and emergency access.

VII. Conclusion

As climate change and housing pressure continue to impact the State's landscape, wildfire risks, and development needs, local agencies need to thoroughly evaluate where and how new development is planned and constructed. With careful forethought during the various planning processes and thoughtful environmental review at the individual project development stage, new development can be designed and positioned to minimize future wildfire risks, enhance fire resiliency of our communities, and protect the health and safety of California's residents and natural resources. While the applicable rules, requirements, and analytical tools to reduce wildfire risk are evolving, this guidance is intended to provide suggestions for how best to comply with CEQA when analyzing and mitigating the wildfire risks of development projects in the wildland-urban interface and other fire prone areas.

⁵¹ See Alexandra D. Syphard, et. al., *Multiple-Scale Relationships between Vegetation, the Wildland-Urban Interface, and Structure Loss to Wildfire in California* (Mar. 12, 2021), at p. 13, MDPI FIRE 2021 [noting that "the most effective fire risk reduction approach will account for multiple factors at multiple scales and will incorporate simultaneous strategies"].

⁵² Patrick W Baylis, et al., *Mandated vs. Voluntary Adaptation to Natural Disasters: the Case of U.S. Wildfires* (Dec. 2021), National Bureau of Economic Research, available at <https://www.nber.org/papers/w29621>.

⁵³ Eric E. Knapp, et al., *Housing Arrangement and Vegetation Factors Associated with Single-Family Home Survival in the 2018 Camp Fire, California* (2021) FIRE ECOLOGY 17:25, available at <https://fireecology.springeropen.com/track/pdf/10.1186/s42408-021-00117-0.pdf> [37 percent of homes built between 1997 and 2008 survived, while 44 percent of homes built between 2008 and 2018 survived].

⁵⁴ Eric E. Knapp, et al., *Housing Arrangement and Vegetation Factors Associated with Single-Family Home Survival in the 2018 Camp Fire, California* (2021) FIRE ECOLOGY 17:25, available at <https://fireecology.springeropen.com/track/pdf/10.1186/s42408-021-00117-0.pdf>.

ATTACHMENT 3

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July 16, 2025

Via Electronic Mail Only

County of San Diego
Planning & Development Services
5510 Overland Avenue, Suite 210
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Bianca.Lorenzana@sdcounty.ca.gov

Re: New Law and Information Relevant to the Harmony Grove Village
South Recirculated EIR
(SCH# 2015081071)

To Whom It May Concern:

On behalf of the Elfin Forest Harmony Grove Town Council (“Council”), we write to provide information about new law and circumstances relevant to the Recirculated Environmental Impact Report (“REIR”) for the Harmony Grove Village South project (“Project”). This additional information further supports the Council’s October 7, 2024 comments in which they strongly urged the County of San Diego (“County”) to deny the Project. Specifically, this letter addresses the following key points:

- A recent court decision invalidated the infill exemption that the REIR relied on, rendering the REIR analysis further inadequate
- New reports on the County’s progress in fulfilling its Regional Housing Needs Allocation (RHNA) obligations further undermine housing-based justifications for the Project
- The Project applicant’s *new* subdivision map application triggered the County Code’s requirement to obtain the Fire Chief’s updated recommendations under the *current* Fire Code

For these reasons, explained in more detail below, we once again ask that the County revise its environmental analysis, seek additional guidance from the Fire District regarding the subdivision map application's compliance with current fire laws, and ultimately, deny the Project.

1. The REIR Relies on an Invalid Infill Transportation Study Guideline to Avoid a Robust Study of the Project's VMT Impacts.

As we explained in our October 2024 comments, the County's 2022 Transportation Study Guidelines ("TSG" or "Guidelines") provide thresholds for determining if a project would need to conduct a vehicle miles traveled ("VMT") analysis under CEQA. See CEQA Guidelines §15064.3; TSG at 1. Here, the REIR took a muddled and illogical approach to VMT, claiming first that the Project is "exempt" from a full VMT analysis under the County's adopted TSG because the Project is located in an "infill area" and falls under the County's VMT infill exemption. REIR 2.7-32; TSG at 9. Yet, despite incorrectly asserting the Project was exempt from VMT analysis, the REIR also acknowledged that a new VMT analysis was necessary to its GHG analysis and mitigation, stated that a "subsequent [VMT] analysis has been completed," and referenced various VMT figures in its analysis. See REIR 2.7-32 fn. 2.

Our October 2024 comments explained in depth why this approach violated CEQA, as well as the County's own guidelines. First, the Project does not satisfy the TSG's definition of "infill area." See October 2024 Comments at 15-17. Even if it did, under the recent decision in *Cleveland National Forest Foundation v. County of San Diego* (2025) 109 Cal.App.5th 1257, the REIR suffers from yet another flaw: it relies on an infill threshold guideline that has been found invalid. In *Cleveland National Forest Foundation*, plaintiffs challenged the County's infill threshold—which exempted projects built in certain geographic areas—as “lacking substantial evidentiary support” that these projects would likely cause less than significant transportation effects within San Diego County. 109 Cal.App.5th at 272. The appellate court agreed with petitioners, finding that the County based its adoption of an infill threshold on an assumption that development in infill areas would result in less-than-significant VMT without providing any evidence that this is the case. *Id.* at 274-75 (“The County has failed to show it can be fairly assumed that development in these infill areas will usually generate per capita VMT below the County average.”).

This Project does not satisfy the requirements to be a VMT-exempt infill project, but even if it did, the County can no longer rely on that threshold to avoid a full VMT analysis. The REIR must be revised to include a complete VMT analysis that addresses

the Project's transportation impacts and informs the Project's greenhouse gas emissions analysis.

The REIR's existing VMT discussion does not satisfy the requirement to conduct a full VMT analysis under CEQA. As our October 2024 comment letter explains, due to errors in calculation, the VMT information currently included in the REIR erroneously understates annual VMT resulting from the Project by over 1.3 million miles, meaning the REIR underestimates the Project's GHG emissions from annual VMT by approximately 11.5 percent. *See* October 2024 Comments at 9-10. This also means that under a correct analysis of GHG emissions, the REIR's proposed GHG mitigation is inadequate. *Id.* at 11.

For all these reasons, the REIR's VMT and GHG analyses are inadequate. The REIR must be revised and recirculated to fully identify, disclose, and analyze the Project's VMT impacts, and to consider whether further emission reductions are necessary to be truly consistent with applicable state and local climate change plans.

2. The Latest Reports Regarding the County's Regional Housing Needs Allocation (RHNA) Further Undermine Any Justification for this Project

The County recently released its General Plan & Housing Element Annual Progress Report ("2024 Housing Report"), which provides a yearly tracking of the County's progress on housing production, and whether it has delivered on its Regional Housing Needs Allocation ("RHNA") numbers for each eight-year cycle, pursuant to state law. The County is just starting year five of its eight-year cycle, which ends on April 15, 2029. The 2024 Housing Report shows that the County is well ahead of its RHNA goals with 84% of the state-mandated housing goals already met. *See* 2024 Housing Report at 21-22.

Looking at the permitted housing units broken down by Affordability Category, the 2024 Housing Report shows that the County "has already surpassed the goal for the Moderate and Above Moderate affordability categories and is close to meeting its goal for the Low affordability category." *Id.* The Very Low affordability category, however, remains a challenge for the County and will require focused permitting if the County is to meet its RHNA allocation. *Id.* Importantly, the HGVS Project would *not* help the County to meet its Very Low affordability housing numbers. According to the Readers' Guide for the Project, the Project proposes that 5% of its housing units will be Low affordability and 5% will be Moderate affordability. *See* Harmony Grove Village South Readers' Guide to Additional Information for Harmony Grove Village South ("Readers' Guide")

at 5. The County has already met its RHNA in those categories, so these units will not help address this ongoing Very Low affordability housing problem.

Moreover, any argument that the Project will be good for overall housing numbers throughout the County ignores the fact that the RHNA totals allocate future housing based on appropriate locations. “For the RHNA sixth cycle from 2021 to 2029, the entire region has been allocated 171,685 housing units to meet the region’s need for new housing. Of the regional allocation, the unincorporated County has been allocated 6,700 housing units.” 2024 Housing Report at 19. The fact that the RHNA total for unincorporated areas is limited to just 6,700 units or roughly 5% of the regional allocation for this housing cycle reflects the County’s awareness that sprawl housing development in rural areas away from services and transportation is counterproductive to the State’s housing goals and bad for the environment.

3. County Code Requires the County to Obtain and Review the Fire Chief’s Recommendations with Respect to the Project’s New Subdivision Map Application

Under San Diego County Code section 81.306, the proposed Project’s inclusion of a major subdivision and processing of a tentative map requires the Planning Commission to “obtain and review the recommendations” of the Rancho Santa Fe Fire Protection District (“RSFFPD”) Fire Chief with respect to “fire hydrants, connections to be installed, fire control measures, improvements and compliance with SRA Fire Safe Regulations..., or sections of fire district’s code or County Fire Code, related to subdivisions...” The County appears to have taken the position that, because the Project design has not significantly changed, it can continue to rely on the Fire District’s previous approvals. Yet, this approach flouts the County Code and land use law.

Absent a vested right or other entitlement, which the Project lacks, new development must comply with current laws. Even vested rights, which the Project proponent does not have, are subject to new laws necessary to protect public health and safety. See California Land Use Practice (Cal. CEB 2024) §§16.8, 16.24 (landowner has no vested right in existing or anticipated zoning and an “Agency may apply new laws to a development that has a vested right if it is necessary to protect the health and safety of the public”). Indeed, because the original subdivision map approval was rescinded as a result of the litigation, the County must obtain the Fire Chief’s review and recommendations anew, and in that process the Fire Chief may provide new recommendations, before the subdivision map is considered for approval again. The County Code explicitly recognizes that the District Fire Chief is responsible for enforcement of the County Fire Code. San Diego County Code § 96.1.004.

County Code section 4903.1.1 further requires that, when an applicant seeks a subdivision map for property located in a wildland-urban interface fire area, it must submit a FPP that is prepared consistent with applicable fire codes and accepted by the “Fire Agency Having Jurisdiction” and County. *See also* San Diego County 2024 Fire Protection Plan Guidelines (2024 FPPG) at 38, 75.¹ The proposed Project’s location in a Very High Fire Hazard Severity Zone triggers this requirement. Since the original subdivision map approval was rescinded and a new tentative map application has been submitted, the FPP must be re-examined for “compliance with all applicable ordinances and regulations” currently in effect. 2024 FPPG at 38, 75. If, upon review, the Fire Chief “determines that the plan is incomplete or inadequate, it should be sent back to the preparer.” *Id.* at 75. The County’s Planning and Development Services (PDS) department also reviews the FPP, but its approval hinges on acceptance from the Fire District. (*Id.*)

Despite the County’s mistaken position to the contrary, the Fire Chief’s ability to provide an honest assessment of the Project does not turn on the County’s CEQA review or res judicata theories (which only come into play if there is subsequent litigation and do not prohibit either the County or the Fire District from taking actions within their authority to protect the County’s residents). The Fire Chief’s authority to comment on the project is related to the ***application for a subdivision map***, meaning it is distinct from the County’s current CEQA process or past approvals that have been withdrawn.

Because the County rescinded its approvals for the project in December 2022, it must decide *anew* whether to approve the request for a vesting tentative map. Under the County’s current fire laws, the County must once again obtain the Fire Chief’s review/recommendations regarding the Project’s compliance with the County Fire Code and the Fire Chief’s review/acceptance of the FPP as consistent with County’s current fire laws—rather than relying on previous recommendations made under outdated fire laws in relation to now-rescinded approvals.

The County’s May 15, 2025 email to the Fire District misstated the County and Fire Chief’s legal obligations with respect to evaluating the current HGVS application. *See* Gov. Code § 66474.2(a) (“...in determining whether to approve or disapprove an application for a tentative map, the local agency shall apply only those ordinances, policies, and standards in effect at the date the local agency has determined that the application is complete...”). Contrary to the County’s email, the Fire Chief must provide

¹ Available at

<https://www.sandiegocounty.gov/content/dam/sdc/pds/ceqa/FireCEQAGuidelines2024/Public%20Review%20FPP%20Guidelines%20%20Format%20Clean%20.pdf>

County of San Diego
July 16, 2025
Page 6

an honest assessment of the Project and FPP's compliance with current law without being coached by the County to support a specific position or outcome.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Tori Gibbons

1924176.4

ATTACHMENT 4

From: Slovic, Mark <Mark.Slovick@sdcounty.ca.gov>
Sent: Wednesday, May 14, 2025 1:35 PM
To: David C. McQuead <McQuead@RSF-Fire.org>
Cc: Sibbet, David <David.Sibbet@sdcounty.ca.gov>
Subject: RE: FYI - HGVS Legal Response

Hi Chief McQuead,

Sorry for delay getting back to you. Appreciate you sending us the letter and we'll include it in the record for the project and make sure it's addressed. We'll share our responses with you once they're drafted.

In terms of the legal expectations from the fire district, the County is the lead on the project and EIR, so we'll make sure any concerns are addressed in the record. However, the Rancho Santa Fe Fire District is the Fire Authority Having Jurisdiction for the project and was responsible for reviewing the project to ensure it complies with all relevant fire codes. Since the Harmony Grove Village South project has been previously reviewed and approved by the Fire District and the project design has not changed, the County will continue to rely on the Fire District's previous approvals. The County we'll coordinate with the Rancho Santa Fe Fire Protection District on the responses to public comments and hearing presentations once they're drafted. We want to make sure the Fire District has an opportunity to review the information, including how all the comments and concerns have been responded to.

Once the project moves forward to public hearings, we request that the Fire District attend and help answer questions regarding fire safety and evacuation. We do expect the fire district will be asked if the project is safe from a fire safety standpoint. We'll coordinate with the district in advance of the hearings to go over the draft presentation and do a rehearsal where we

hold a mock hearing with questions and answers.

Please let us know if you have any questions or need anything else.

Thanks,



Mark Slovick, Deputy Director
he / him / his [Why do pronouns matter?](#)
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From: David C. McQuead <McQuead@RSF-Fire.org>
Sent: Tuesday, March 25, 2025 10:49 AM
To: Slovick, Mark <Mark.Slovick@sdcounty.ca.gov>; Sibbet, David <David.Sibbet@sdcounty.ca.gov>
Subject: [External] FYI - HGVS Legal Response

Good morning Mark and Dave,

You may have seen the attachment on behalf of the development that was sent to our Board of Directors last week. I'm providing it to you to ensure a transparent loop of communication involving HGVS.

Can County legal provide their expectations and direction for the Fire District?

I am under the impression the County will request the Fire District to speak on the project at the Planning Commission and Board of Supervisors in the future.

Enjoy your day.

Dave McQuead

Fire Chief, Rancho Santa Fe Fire

mcquead@rsf-fire.org

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ATTACHMENT 5

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August 20, 2025

Via Electronic Mail Only

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Email: PublicComment@sdcounty.ca.gov

Re: Harmony Grove Village South Revised Final Environmental Impact Report

Dear Members of the Planning Commission:

On behalf of the Elfin Forest Harmony Grove Town Council (“Council”), we submit these comments on the Revised Final Environmental Impact Report (“RFEIR”) for the proposed Harmony Grove Village South project (“Project” or “HGVS”). The RFEIR follows a similarly inadequate Revised Draft Environmental Impact Report (“RDEIR”). (The RFEIR and RDEIR are referred to in this letter collectively as the “REIR.”) We submitted two letters to the County commenting on the previous draft. Our letters of October 7, 2024 and July 16, 2025 are by this reference incorporated herein in their entirety, including all attachments. In these letters, we described many substantive flaws in the REIR’s analysis. As detailed below, the REIR remains inadequate and cannot support approval of the Project.

The looming threat of this ill-advised development has been haunting current Elfin Forest and Harmony Grove residents for years. The County first approved entitlements and certified an EIR for the Project back in July 2018. The Council and other petitioners challenged the County’s flawed environmental review process and violations of planning law, and secured victories before the trial and appellate courts. Following the appeal, the trial court issued an order requiring the County to fully rescind the Project’s entitlements and the 2018 FEIR due to failures to comply with the California Environmental Quality Act (“CEQA”) and the County’s own General Plan.

Despite ever-worsening fire conditions and strenuous, sustained opposition from area residents, the Project applicant decided to resurrect this dangerous Project. In 2024, the Project applicant filed a new application for a General Plan Amendment, a Specific Plan, a Rezone, a Tentative Map, a Major Use Permit, a Site Plan, and a draft Habitat Loss Permit. In considering this new application, the REIR and County staff have willfully ignored new information regarding the dangers this Project presents to the local community.

Based on our review of the County's responses to comments, we conclude that the RFEIR neither adequately responds to comments previously raised, nor cures the legal inadequacies identified by those comments. The RFEIR perpetuates the failings of the RDEIR and seeks to defend the erroneous assertions and conclusions of the prior documents, rather than providing meaningful public disclosure of environmental impacts and following the processes set out in the County Code. Below, we identify examples of these legal inadequacies, as well as flaws with the County's analysis. We intend to supplement these comments prior to the Board of Supervisors' consideration of the Project.

I. The County Has Full Discretion to Deny the Project.

Much of the REIR's analysis and responses to comment focus on the County's supposed inability to revisit any of its past environmental review or to grapple with the impacts of the 2024 Project application. But, as the Council pointed out in its October 2024 comment letter, the County cannot approve an amendment to the general plan unless it finds that such amendments are in the public interest. Gov. Code Gov. Code, § 65358(a). Thus, **the County retains full discretion to deny the Project if it finds it is not in the best interest of the County and the surrounding community.**

Moreover, despite all of the REIR's attempts to use *res judicata* as a sword and a shield, the "County agrees that the Board has the discretion to approve or deny the Project." FREIR at 8-153. The REIR then immediately tries to downplay this admission by arguing that deference is given to an agency's finding of General Plan consistency and statements of overriding considerations. *Id.* But here the REIR is conflating two different things. The level of deference that a court must give to an agency's findings in the context of judicial review has no bearing on how the current Planning Commission or Board of Supervisors should view the past, flawed decision making of County leadership seven years ago.

County leaders must make their own determinations regarding the safety, necessity, and wisdom of approving the Project. This opportunity to look at the Project

with fresh eyes is especially important because many of the former justifications given for approving the Project in 2018 no longer hold weight. For example, in the Global Response: Project Consistency with General Plan Policy LU-1.4 in 2018 FEIR Section 8.3.1, the County previously concluded that the Project “will help meet a projected long-term regional need for housing.” But, as the Council pointed out in its July 2025 comments to the County, “[t]he 2024 Housing Report shows that the County is well ahead of its RHNA goals with 84% of the state-mandated housing goals already met.” See Council’s July 2025 Comments at 3. Indeed, the only housing category for which the County has not surpassed or almost surpassed its goal is the Very Low affordability category, which the Project would not help. See County’s General Plan & Housing Element Annual Progress Report at 21-22. The proposed Project is simply not needed to meet projected long-term regional need for housing.

The Project runs counter to the public interest in other ways. As the Council has pointed out repeatedly, the Project would place hundreds of new residences in a wildfire-prone, rural area of the County, lacking in urban services and infrastructure. If the January 2025 wildfires were any indication, local leaders throughout California will need to be increasingly thoughtful about the types of projects they approve in fire-prone areas.

Finally, as the Council has previously explained, “[d]enying the proposed general plan amendment would not eliminate all development potential at the site.” See Council’s October 2024 Comments at 4. The site is already zoned to allow for up to 220 units. See FEIR 1-36 (noting this maximum does not take into account environmental constraints); 3.1.5-5, 3.1.5-42-43, 3-12 (noting development density is reduced for slopes greater than 25%). The REIR fails to meaningfully engage with this argument, but the Council must emphasize once again that, as a matter of good governance, the County should abide by the existing General Plan designation and deny the proposed amendment.

II. The County’s Project Review Process Remains Flawed.

In their October 2024 comments, the Council argued that the County had taken a misguided approach to the new Project application in asserting that it need only recirculate the greenhouse gas (GHG) mitigation portion of the analysis, attempting to limit public comment to that revised section, ignoring significant new information that would impact the County’s previous analysis, and claiming that *res judicata* bars all further consideration. The Council reiterates and incorporates those arguments here. While the Council is still reviewing the REIR and the responses to comment, some of the more glaring flaws in the REIR’s analysis are described below.

A. The County Must Ensure New Review of the Project's Fire Protection Plan Under Current Laws.

In their October 2024 comments, the Council argued that the County should require preparation of a new Fire Protection Plan ("FPP") under the 2024 Fire Protection Guidelines. See Council's October 2024 Comments at 25-27. As the Council noted, the FPP currently provided for the Project relies on Rancho Santa Fe Fire Protection District ("RSFFPD") approval from 2016, was found consistent with the Fire Code from 2014, and utilizes County significance guidelines from 2010. See HGVS FPP at 3, E-3. Tellingly, the last review of the proposed Project FPP took place *nearly a decade ago*. The Council further explained that an updated review was required in light of the applications for a subdivision map, specific plan, and major use permit.

In response, the REIR flatly asserts that "[r]econsideration of Project entitlements does not require a new FPP." RFEIR at 8-121. Falling back on the same tired refrain, the REIR claims that any analysis beyond GHG mitigation is barred by res judicata. *Id.* The REIR then goes on to argue that a new analysis under the 2024 FPP Guidelines would not be materially different because the updated FPP Guidelines do not have "more rigorous requirements" and any would-be new requirements have already been included in the Project's FPP. RFEIR at 8-120.

The REIR details many of these requirements, including the Fire Code updates for dead-end roads and the required findings for alternatives to Fire Code standards. *Id.* at 8-123 to 8-124. The REIR provides a side-by-side-comparison of the alternatives language in each version of the Guidelines to argue that the "2024 Consolidated Fire Code did not create a higher threshold for approving such modifications, nor did it require more substantiation than the 2020 Code." *Id.* at 8-123. But in making this assertion, the REIR completely disregards a key change in the Guidelines. The 2010 Guidelines require the following showing:

That the modification is in compliance with the intent and purpose of the code

But the 2024 Guidelines requires a showing that:

*The modification is in compliance with the intent and purpose of the code **and provides the same practical effect***

The REIR attempts to breeze past this key difference, failing to even include it in a list of changes between the two laws. *Id.* at 8-124. But this additional language in the 2024 Guidelines would require different findings and evidence than what was required under

the 2010 Guidelines. Compliance with “the intent and purpose of the code” goes to whether the Project’s alternatives to Fire Code standards are in keeping with the Code’s objectives, and does not necessarily require proof of their efficacy. In contrast, a requirement that the modification “provides the same practical effect” is a higher standard because it requires some proof that the alternative method would actually work. This contrast between “intent” and “effect” could significantly alter RSFFPD’s analysis of the proposed FPP and its ability to satisfy the Fire Code

The REIR’s only reference to the “same practical effect” language appears in its subsection discussing the mitigation measure ratio. See RFEIR at 8-125. The 2024 Guidelines, Section 5.10, require a showing that alternative measures have the same practical effect as the original safety requirement at a 2:1 ratio. The REIR dismisses this requirement out of hand, arguing that “the findings needed for the fire code official to approve a modification...do not reference the 2:1 ratio.” *Id.* But the findings *do* require a showing that the alternative method will have the “same practical effect.” Read together with Section 5.10, it is clear that the mitigation ratio would apply and would create a much more stringent evidentiary standard for alternative measures.

B. The County Code Requires an Updated Fire Protection Plan Review, which the REIR Ignores.

As the Council noted in its October 2024 comments and detailed extensively in its July 2025 comments, the County Code requires the Planning Commission to obtain and review the Fire Chief’s recommendations on the FPP and the Project. This requirement is triggered by the Project’s inclusion of a major subdivision and processing of a tentative map, independent of the County’s CEQA review. See San Diego County Code § 81.306. The Planning Commission must “obtain and review the recommendations” of the RSFFPD Fire Chief with respect to “fire hydrants, connections to be installed, fire control measures, improvements and compliance with SRA Fire Safe Regulations..., or sections of fire district’s code or County Fire Code, related to subdivisions...”; § 4903.1.1 (when applicant seeks a subdivision map for property located in wildland-urban interface fire area, it must submit an FPP that is prepared consistent with applicable fire codes and accepted by the Fire Agency Having Jurisdiction and County).

Yet, despite this clear cut language, the County has taken the position that this review is somehow barred by res judicata and that continued reliance on the old FPP is appropriate. The County has even gone so far as to pressure the RSFFPD Fire Chief *not to speak out* about the Project or evaluate the FPP, instead offering to coach him on an approved response. See Attachment 4: May 14, 2025 email correspondence between M.

Slovack and D. McQuead. County's staff and the REIR mistake the nature of this FPP review.

The Project has no vested rights or entitlements. The County rescinded *all* Project entitlements on the trial court's orders. Because the original subdivision map approval was rescinded as a result of the litigation and the Project applicant has once again submitted applications for a major subdivision and tentative map, the County must obtain the Fire Chief's review and recommendations anew. See San Diego County Code §§ 4903.1, 196.1.004. And, as discussed above, that review must take place under the current and more stringent 2024 Guidelines, which would change the Fire Chief's analysis.

C. The County Cannot Make All of the Requested Approvals at the Same Time.

The County may not approve the tentative map for this project before the proposed General Plan, Specific Plan, and zoning code amendments are effective. State law prohibits the County from approving development that is inconsistent with its General Plan. *Leshar Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 540. Here, the proposed General Plan amendments, which are necessary for the Project to be consistent with the General Plan, will not become effective until at least 30 days after the County approves them. *Midway Orchards v. County of Butte* (1990) 220 Cal.App.3d 765, 773. Nonetheless, the County is considering approval of the proposed vesting tentative subdivision map, which will become immediately effective, at the same meeting where the General Plan amendments are being considered for approval. This "stacking" of approvals with different effective dates violates state law.

III. The FREIR fails to correct the deficiencies in the EIR's greenhouse gas (GHG) analysis and mitigation.

The original EIR for this Project acknowledged that it would result in substantial greenhouse gas emissions. 2018 Draft EIR ("DEIR") 2.7-20 (stating that "the total amount of Project estimated annual (operational) GHG emissions is 5,222 MT CO₂e over the existing environmental setting" which would "result in significant GHG impacts"). To mitigate this significant environmental impact, the EIR required the Project proponent to purchase and retire carbon credits through a CARB-approved registry or, if there was no such registry, "any other reputable registry or entity, to the satisfaction of the Director of PDS [Planning and Development Services]." *Id.* 2.7-24 (M-GHG-1).

The Town Council and the Sierra Club challenged this measure, alleging that it did not provide objective performance standards necessary for deferred mitigation, nor did it

provide any assurance that the offsets would, in fact, be effective at reducing the Project's climate change impacts. Both the trial court and the Court of Appeal agreed, noting that a virtually identical mitigation measure had been found to violate CEQA in *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467, 482. In particular, the Court of Appeal found that the GHG mitigation measures in the 2018 FEIR violated CEQA because "they lack objective performance criteria to ensure the effective and actual mitigation of greenhouse gas emissions, and also improperly defer mitigation." Opinion at 3; *see also id.* at 33 (concluding that "M-GHG-1 and M-GHG-2 provide no reasonable assurance that greenhouse gas reduction will actually occur, and they are thus invalid under CEQA").

Given this decision, the County must now correctly analyze Project GHG emissions and then identify new mitigation that complies with CEQA and reduces the Project's impacts to a level of insignificance. As discussed below, the FREIR continues to fail to do this.

Moreover, as we noted in our August 29, 2023 comment letter prior to the renewed Project application, the County's revised GHG analysis must reflect current statewide GHG reduction targets. *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 225-26; *League to Save Lake Tahoe v. County of Placer* (2022) 75 Cal.App.5th 63, 121-22. The State has released new GHG reduction targets since the 2018 EIR was prepared. For example, in November 2022, CARB released a new Scoping Plan ("CARB 2022 Scoping Plan").¹ It requires "aggressive reduction of fossil fuels" and "rapidly moving to zero-emission transportation," and identifies "a technologically feasible and cost-effective path to achieve carbon neutrality by 2045 and a reduction in anthropogenic emissions by 85 percent below 1990 levels." CARB 2022 Scoping Plan at 1, 3; *see also* Executive Department, State of California, Executive Order N-79-20.² And in 2021, SANDAG adopted an updated regional plan designed to "meet our state requirement to reduce GHG emissions by 19% below 2005 levels by the year 2035." SANDAG 2021 Regional Plan, December 2021 at 45.³ The Regional Plan recognizes that the County cannot meet new GHG reduction mandates "without reducing the number of miles [VMT] that people drive on our roadways." *Id.* The FREIR also continues to fail to adequately analyze the Project's consistency with these new plans and directives.

¹ <https://ww2.arb.ca.gov/sites/default/files/2023-04/2022-sp.pdf>

² <https://www.gov.ca.gov/wp-content/uploads/2020/09/9.23.20-EO-N-79-20-Climate.pdf>

³ <https://www.sandag.org/-/media/SANDAG/Documents/PDF/regional-plan/2021-regional-plan/final-2021-regional-plan/final-2021-regional-plan-flipbook.pdf>

For the reasons set forth below, and in the letters from Baseline (Comment letter Re06c to FEIR) and Lokahi (Comment letter Re06d to FEIR), the REIR must be revised and recirculated.

A. The REIR overestimates GHG emission reductions from on-site solar energy production.

The REIR calculated GHG emissions by using a more favorable approach and the FREIR perpetuates this tactic. By assuming that the Project would deliver all of the energy produced by the rooftop solar to SDG&E, and then source from SDG&E the amount of electricity the Project is expected to consume, the GHG emissions are shown at a lower level. In reality, the calculations should be shown where the Project will serve its on-site electricity needs directly from the rooftop solar, and then will deliver to SDG&E only the energy that exceeds the Project's projected consumption. Instead of offsetting 1,848 MTCO₂e per year, as the REIR states, the Project will only offset 1,155 MTCO₂e per year. **Table 2** below summarizes these figures:

Table 2. Corrected GHG Emissions from Energy Use and On-Site Solar Energy Production

Source	REIR Analysis (MTCO ₂ e/Year) ¹	UPDATED Analysis (MTCO ₂ e/Year) ²
Electricity Consumption	462	0 (energy provided by rooftop solar)
All Solar Energy for SDG&E Grid	- 2,310	0
Excess Solar Energy only for SDG&E Grid	0	- 1,155
Total Reduction	- 1,848	- 1,155

Notes:

¹ Page 2.7-45 of the RFEIR, Table 2.7-5.

² Emissions from the RFEIR analysis for excess solar energy were scaled down to only account for 3,150 MWh of the total 6,300 MWh of solar energy produced by the project.

B. The REIR identifies insufficient mitigation for the Project.

Using a correct analysis of GHG emissions, the Project would generate approximately 1,731 MTCO₂e per year, nearly 70% more GHG emissions than reported in the REIR, and the FREIR makes no adjustment. Instead, the response to comments provides a convoluted explanation of why the FREIR calculated the GHG emissions generated by on-site electricity use and on-site electricity generation the way it did, but offers no data to support the argument. The FREIR states “[t]he Project’s GHG analysis does not assume that all energy produced on site would be put back into the grid as interpreted by the commenter, but rather assumes that, without the Project providing on-site solar, SDG&E would meet the Project’s entire energy demand using existing available generation sources. While SDG&E has a renewable portfolio, it is already allocated to a fixed demand. The Project, by adding solar in excess of the energy it would require to operate, allows SDG&E to maintain power outputs and maintain its existing renewable portfolio standard. Assuming that the cumulative average emissions factor would actually be applied to the Project would be misleading since the availability of renewable energy resources are otherwise fixed and the Project’s use of those existing resources would essentially decrease renewables to SDG&E’s greater customer base.” FREIR Response to Comment ReO6c-6.

None of this explains how the data in Table 2 above is incorrect, as the FREIR asserts it to be. The FREIR attempts to explain that because the project is generating its own electricity, that it helps SDG&E by not increasing their energy demand, allowing them to keep meeting their existing renewable energy goals for other customers. The reality is that the project is required under the 2022 Energy Code to install solar PV systems that would result in net zero GHG emissions from on-site energy use. There would be no scenario where the project would not install a solar PV system without conflicting with the 2022 Energy Code. The FREIR continues to offer no data nor evidence to support the methodology used to determine the GHG emissions credit identified in the “REIR Analysis” column in Table 2.

Table 3. Corrected GHG Emissions Reduction Analysis from On-Site Solar Energy Production

Source	RFEIR Analysis (MTCO ₂ e/Yr) ¹	UPDATED Analysis (MTCO ₂ e/Yr) ²
Area	6	6
Electrical	462	0
Mobile	2,846	2,846

Source	RFEIR Analysis (MTCO ₂ e/Yr) ¹	UPDATED Analysis (MTCO ₂ e/Yr) ²
Waste	133	133
Water	84	84
Diesel Generators	14	14
Amortized Construction	123	123
8 EV Charging Stations at the Center House	-38	-38
453 EV Chargers at Garages	-258	-258
On-Site Residential Solar	-2,310	-1,155
2,045 Trees	-24	-24
Total	1,038	1,731

Notes:

¹ Page 2.7-45 of the RFEIR, Table 2.7-5.

² Updated values based on Table 2 of this letter.

With the actual GHG emissions being substantially larger than the FREIR continues to conclude, the proposed mitigation continues to be inadequate. Mitigation Measure M-GHG-1 (REIR 2.7-35-38) must be revised to include installation of additional solar PV panels capable of generating enough power to offset the full amount of annual emissions to achieve net zero emissions. Because the FREIR continues to fail to identify adequate mitigation for the Project's GHG impacts, the FREIR has not corrected the deficiencies identified by the court in *Elfin Forest Harmony Grove Town Council v. County of San Diego*, 2021 WL 4785748. The FREIR's analysis must be corrected and additional mitigation required before the County considers certifying this FREIR.

C. The REIR continues to use an inappropriate significance threshold.

The REIR continues to state that a project will have a significant climate change impact under the CEQA Guidelines if it would “[c]onflict with an applicable plan, policy, or regulation that was adopted for the purpose of reducing the emissions of GHGs.” REIR Section 2.7.2.1. The REIR then goes on to conclude that the Project would have less-than-significant impacts because it would be “carbon-neutral by design.” REIR at p. 2.7-32.

Because the Project requires a General Plan amendment, it is inconsistent with the CAP and therefore its emissions are presumptively significant under the CEQA

Guidelines and the CAP itself. *See* 2024 CAP FEIR (May 2024)⁴ 4-7 (County’s “in-process GPAs and *future GPA applications are inconsistent with the CAP Update if they are inconsistent with the density or intensity allowed in the General Plan*”) (emphasis added); *see also* County Guidelines for Determining Significance, Climate Change, October 2023⁵ at 2 (stating that a proposed project “would normally have a cumulatively considerable contribution to climate change impacts if it is found to be inconsistent with the County’s Climate Action Plan”).⁶ Because the Project does not (and cannot) resolve its inconsistencies with the CAP, the climate change impacts remain significant.

The FREIR notes that “[c]ommenter states that a project’s pursuit of a GPA renders it presumptively significant in emissions. The presumption would be addressed (proved or disproved) through project-specific analysis. For this Project, absence of emissions greater than existing conditions – which in fact would be fewer emissions than those assumed in the CAP under current site zoning (which projects 0.5 acre lots, which could allow for up to 220 residential units) – results in impacts being less than significant, as described above in this response.” FREIR Response to Comment ReO6a-36. This response is incorrect in two ways: First, the CAP itself states that in-process GPAs and future GPA applications are inconsistent with the CAP Update if they are inconsistent with the density or intensity allowed in the General Plan. This project fits that description. Second, development of the site under its current zoning is not the same as existing conditions.

Setting aside the blurring of existing zoning and existing conditions, the REIR still fails to provide substantial evidence that making the Project “carbon neutral” would be consistent with the goals of achieving statewide carbon neutrality by 2045, reducing statewide emissions to 85% below 1990 levels by 2045, or reducing VMT to 30 percent below 2019 levels by 2045 (CARB 2022 Scoping Plan, p. 194.). REIR 2.7-18; *see also* CARB 2022 Scoping Plan at 3, 194; Final 2024 CAP p. 107-108 (CAP has “2045 net zero emissions goal”). As the California Supreme Court has reasoned, to achieve

4

https://www.sandiegocounty.gov/content/dam/sdc/sustainability/docs/publicreview/CAP_FinalSEIR_Attachment_F_Final-SEIR-2024.pdf

5

https://www.sandiegocounty.gov/content/dam/sdc/sustainability/docs/publicreview/CAP_FinalDraft_A-8_CAP-Consistency-Checklist_Guidelines-for-Determining-Significance.pdf

⁶ Thus, this Project may not rely on the CAP to avoid further environmental review, because it is inconsistent with the General Plan. CAP FEIR at 4-7.

statewide goals, new development will often have to achieve even greater GHG reductions than existing development. *See Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 225–226 (agency failed to support finding that achieving statewide level of reduction efforts would be adequate standard for individual projects). In other words, the fact that a new project is in line with average required reductions does not mean that it is doing enough to reduce GHG emissions. Because emissions may be intractable in some sectors of the economy, new projects, which facilitate new growth, may have to reduce more than average. The REIR must be revised and recirculated to consider whether further emission reductions are necessary to be truly consistent with the cited state and local climate change plans.

IV. Conclusion

As discussed above, the Council reiterates the arguments made in past comment letters, including arguments related to res judicata, new information, and recirculation. The Council plans to augment these preliminary comments prior to the Board of Supervisors hearing. At this time, we ask that the Planning Commission vote to deny the Project entitlements.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Tori Gibbons

Encl:

Attachment 1 - August 2023 Letter re CEQA Review of New Projects

Attachment 2 - October 2024 RDEIR Comment Letter

Attachment 3 - July 2025 Supp RDEIR Comment Letter

Attachment 4 - Email correspondence from County to Fire Chief

ATTACHMENT 6



Rancho Santa Fe Fire Protection District

P.O. Box 410 • 18027 Calle Ambiente • Rancho Santa Fe • California 92067-0410
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Board of Directors
James Ashcraft, President
John Tanner
Nancy Hillgren
Kevin Barnard
Tucker Stine

Fire Chief
Dave McQuead

September 24, 2025

Dear CAO Ebony Shelton,

I would like to address any confusion that may have resulted from my response to a question during an Elfin Forest community meeting on September 17, 2025, regarding the Harmony Grove Village South (HGVS) project and the issue of secondary egress. Fire Districts such as our Fire District do address secondary egress for projects that are within our jurisdictional area. Fire Districts such as our Fire District can allow modifications whenever there are practical difficulties involved in carrying out the provision of the County of San Diego Consolidated Fire Code. My comment at the September 17, 2025, community meeting addressed how a fire district such as our Fire District can research and apply modifications that meet or exceed the intent of the code. In particular, my comment was intended to apply to a new project coming before our Fire District today without secondary egress, which our Fire District would during the review process look at and identify any potential modifications that could mitigate secondary egress. My comment was not intended to be directed to the Harmony Grove Village South (HGVS) project as I only became the Fire in Chief in December of 2021, was not involved with the review process in Harmony Grove Village South (HGVS) project. The Elfin Forest community did not come into the jurisdictional control of our Fire District until January of 2017. It is my understanding that prior to January 2016 the Harmony Grove Village South (HGVS) project had been in review and study by the County of San Diego and Cal Fire for several years. I am confident in the collaboration of professionals who represented Cal Fire, County Fire Authority and our Fire District that a thorough review was done and that they after several years of review applied key modifications and accepted the 2018 HGVS Fire Protection Plan and Evacuation using the County of San Diego 2014 Consolidated Fire Code. The modifications they identified and implemented to mitigate secondary egress can enhance our Fire District's ability to better serve and protect both the existing residents and future ones during wildfires, structure fires, medical aids, and swift water rescues.

The HGVS Fire Protection Plan and Evacuation Plan as mentioned was reviewed by Cal Fire and the County Fire Authority lead by Fire Chief Tony Mecham and county prevention staff. As stated above with the reorganization of the Rancho Santa Fe Fire

Protection District and CSA 107 in 2016, the HGVS Fire Protection Plan and Evacuation Plan was also reviewed and accepted by then Fire Chief Tony Michel and Fire Marshal Marlene Donner. I respect Fire Chief Tony Michel's knowledge of the fire code and his ability to articulate the fire code that promoted our mission statement to protect life, property and environment through education, preparedness, prevention and emergency response for those we serve. I endorse and support the modifications he provided to mitigate the issue of no secondary egress of the Harmony Grove Village South project. The County of San Diego 2014 Consolidated Fire Code was used by all three fire agencies to thoroughly review and accept the HGVS Fire Protection Plan and Evacuation Plan. Additionally, the work, insight, knowledge and years of experience between Fire Chief Mecham, Fire Chief Michel and prevention staff was instrumental in identifying key modifications to meet and/or exceed the intent of the code and successfully mitigate the practical difficulties of no secondary egress in the HGVS Fire Protection Plan and Evacuation Plan.

It is my understanding that the project was approved in 2018 and then subject to litigation which resulted in the project being sent back to the County of San Diego to address a couple of issues. Our Fire District requested clear direction from County PDS staff in 2024 to understand our role, if any, regarding the already County approved 2018 HGVS Fire Protection Plan and Evacuation Plan. The Fire District was told in writing and verbally that no additional input was needed regarding fire safety plan as those items were litigated, appealed and upheld by the Appellate Court. However, the County did state that the fire district will be asked to speak to the district's position that the project is safe and complies with all applicable requirements in place at the time the application was deemed completed in 2015. The Fire District did not review or provide any further input to the County based on the direction given. Our Fire District continues to support the County approved HGVS 2018 Fire Protection Plan and Wildland Evacuation.

Respectfully,



Dave McQuead, Fire Chief
Rancho Santa Fe Fire Protection District

ATTACHMENT 7

September 25, 2025

The Hon. Terra Lawson-Remer, Chair
San Diego County Board of Supervisors
1600 Pacific Highway, Room 335
San Diego CA 92102

RE: Expert Comments on Harmony Grove Village South (HGVs) – Safety, Ignition, and Evacuation Risk in a Very High Fire Hazard Severity Zone

We are wildfire scientists and safety professionals with expertise in Southern California chaparral landscapes. We are providing these comments on the proposed Harmony Grove Village South (HGVs) project to inform the Board's decision-making regarding public safety. Based on peer-reviewed research and state and national fire safety guidance, we find that the project would expose residents and surrounding communities to extreme wildfire risk.

Below we summarize three primary areas of concern:

- A. Increased ignition likelihood from new development,
- B. Evacuation times that would exceed wildfire arrival times, and
- C. The absence of any viable population-level protection strategy if evacuation fails.

A. New development will increase ignition likelihood in a highly flammable landscape

Adding hundreds of homes in this location would measurably increase the number of human-caused ignitions in the region, compounding risk to both the new development and existing communities.

- Over 95% of ignitions in cismontane San Diego County are human-caused, and most occur near development and along roads¹ (Keeley & Syphard 2018; Syphard & Keeley).
- Developments surrounded by vegetation, especially at low-to-intermediate densities, experience higher ignition and loss risks² (Syphard et al. 2012, 2019).
- However, once a fire reaches a developed area, high-density development then becomes a risk factor through structure-to-structure spread^{3 4} (Zamanialaei et al. 2025; Knapp et al)
- The site lies within CAL FIRE's Very High Fire Hazard Severity Zone (VHFHSZ) and has a history of wind-driven, ember-dominated fires (e.g., the 2014 Cocos Fire, Del Dios Fire, Harmony Grove Fire, etc.).
- The proposed project is accessed primarily via Country Club Drive, a two-lane collector bordered by vegetated corridors that funnel traffic toward a limited-capacity intersection network.

¹ Keeley, J.E. and Syphard, A.D., 2018. Historical patterns of wildfire ignition sources in California ecosystems. *International journal of wildland fire*, 27(12), pp.781-799.

² Syphard, A.D., Keeley, J.E., Massada, A.B., Brennan, T.J. and Radeloff, V.C., 2012. Housing arrangement and location determine the likelihood of housing loss due to wildfire. *PloS one*, 7(3), p.e33954.

³ Zamanialaei, M., San Martin, D., Theodori, M., Purnomo, D.M.J., Tohidi, A., Lautenberger, C., Qin, Y., Trouvé, A. and Gollner, M., 2025. Fire risk to structures in California's Wildland-Urban Interface. *Nature Communications*, 16(1), p.8041.

⁴ Knapp, E.E., Valachovic, Y.S., Quarles, S.L. et al. Housing arrangement and vegetation factors associated with single-family home survival in the 2018 Camp Fire, California. *Fire Ecology* **17**, 25 (2021). <https://doi.org/10.1186/s42408-021-00117-0>.

- New construction, landscaping, and fuel breaks promote flammable invasive grass growth, further raising ignition risk^{5 6 7 8 9} (Fusco et al.; West et al. 2023; Brennan & Keeley 2017; Syphard et al. 2018, 2019).

B. Evacuation time likely to exceed wildfire lead time under common wind scenarios

Under plausible wind-driven fire scenarios, evacuation clearance times would exceed wildfire arrival times, creating foreseeable conditions for mass entrapment.

- The road network is constrained to narrow, vegetation-lined two-lane collectors feeding into a limited-capacity intersection network.
- If built, approximately 3,500 vehicles¹⁰ would rely on the same primary route (Country Club Drive), adding ~1,000 new vehicles to an already burdened corridor¹¹ that has seen evacuation challenges in the past.¹²
- Analyses using the County’s own capacity assumptions estimate 6.9–10+ hours to clear the area, while a Santa Ana-driven fire could reach the community in under one hour under conservative, realistic assumptions.¹³
- The project lacks true secondary access.¹⁴ A variance to the State Fire Safe Regulations’ dead-end road standard was granted despite the site being in a VHFHSZ surrounded by approximately 15,000 acres of contiguous open space.
- State and local Fire Safe Regulations (§1273.08)¹⁵ prohibit dead-end roads longer than 800 feet unless two independent evacuation routes are provided. Widening a single route does not satisfy the standard’s intent, as confirmed by a CAL FIRE–sponsored review of the regulation.¹⁶
- Any single obstruction — a crash, downed utility pole, or advancing fire front — could cut off all egress, preventing thousands of residents from safely evacuating.

⁵ Fusco, E.J., Balch, J.K., Mahood, A.L., Nagy, R.C., Syphard, A.D. and Bradley, B.A., 2022. The human–grass–fire cycle: how people and invasives co-occur to drive fire regimes. *Frontiers in Ecology and the Environment*, 20(2), pp.117-126.

⁶ West, K.R., 2023. *Satellite-derived estimates of herbaceous fractional cover and its influence on fire regime in San Diego County, California, USA shrublands* (Doctoral dissertation, San Diego State University).

⁷ Brennan, T.J. and Keeley, J.E., 2017. Impacts of mastication fuel treatments on California, USA, chaparral vegetation structure and composition. *Fire Ecology*, 13(3), pp.120-138.

⁸ Syphard et al.2018

⁹ Syphard et al.2019

¹⁰ Dr. Tom Cova, PhD, University of Utah, 2024, “Harmony Grove Village South would compromise wildfire public safety” (p.4) ([link](#))

¹¹ Cova (p.4)

¹² KPBS, May 2014, “Harmony Grove Residents Worry About Fire Evacuation Routes” ([link](#), retrieved 9/5/2025)

¹³ Cova (p.5)

¹⁴ June 2017, “Harmony Grove Village South – Draft EIR, Wildfire Risk Analysis and Mitigation Measures” Dr. Matthew Rahn, PhD, MA, JD, California State University San Marcos, Director, Wildfire Science and Urban Interface Program (p. 11) ([link](#))

¹⁵ Cal. Code Regs. Tit. 14, § 1273.08 - Dead-End Roads and County of San Diego Consolidated Fire Code (2023) Sec. 503.1.2 Secondary Access

¹⁶ February 2016, W. David Conn et al, “Single-Access Subdivisions Assessment Project” *California Polytechnic State University, San Luis Obispo* (Executive Summary, p. iv) ([link](#))

C. “Shelter in place” is not a viable population-level safety strategy

The project proposes to rely on sheltering in place if evacuation becomes infeasible, but this approach has no basis in U.S. fire safety standards and cannot protect thousands of residents in a fast-moving wildfire.

- While Chapter 7A construction reduces the probability of structure ignition, it does not prevent structure-to-structure fire spread under extreme conditions, particularly with homes that are closely spaced.
- For example, 56% of homes built to Chapter 7A standards were destroyed in the 2018 Camp Fire¹⁷.
- There are no U.S. population-level SIP standards for WUI fires, and no operational evidence that thousands of residents could survive entrapment inside standard homes.
- SIP is an emergency tactic for isolated individuals, not a population protection strategy.

Conclusion

The record indicates that adding a large population to a Very High Fire Hazard Severity Zone at the terminus of a constrained, vegetation-lined two-lane corridor creates foreseeable conditions where evacuation clearance times could exceed wildfire lead times during common wind events. Because the project cannot evacuate residents within fire arrival times, it does not meet fundamental fire safety principles and presents an elevated and preventable life safety risk to new and existing residents.

We urge County leaders to place **public safety above speculative development**, and to require that large-scale projects in Very High Fire Hazard Severity Zones provide **true secondary access** before approval or reject them entirely.

Respectfully,

Vytenis (“Vyto”) Babrauskas, PhD — Adjunct Teaching Professor (Fire Protection Engineering), Worcester Polytechnic Institute; President, Fire Science & Technology, Inc. Cited 8,400+ times.

Janice L. Coen, PhD — Project Scientist, Mesoscale & Microscale Meteorology Laboratory, NCAR; developer of the CAWFE model; Associate Editor, *Int. J. Wildland Fire*. Cited 5,900+ times.

Louise K. Comfort, PhD — Visiting Scholar, UC Berkeley Civil & Environmental Engineering; Professor Emerita, Graduate School of Public & International Affairs, University of Pittsburgh; Former Director, Center for Disaster Management (2009–2017). Cited ~13,400 times.

Matthew E. Rahn, PhD, J.D. — Program Director, Wildfire Science & the Urban Interface, California State University San Marcos. Cited ~107 times.

Alexandra D. Syphard, PhD — Adjunct Professor of Geography, San Diego State University; Senior Research Scientist, Conservation Biology Institute. Cited ~13,436 times.

Tiffany A. Yap, PhD, D.Env. — Senior Scientist, Center for Biological Diversity; expert on wildlife connectivity, amphibians, and WUI impacts. *Science* 2015 lead author; *EcoHealth* 2017 co-author. Cited ~300 times

¹⁷ Knapp, *et al* (2021). <https://doi.org/10.1186/s42408-021-00117-0>.

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ATTACHMENT 8

THE LEDE

For years, experts have warned that homeowner insurance in the state could easily collapse.

By

January 10, 2025

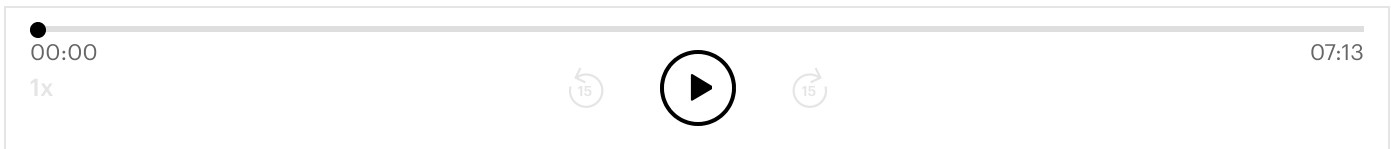


The remnants of a home in Palisades Highlands. Photographs by Aaron Huey



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Last week, on the day before New Year’s Eve, California’s insurance commissioner, Ricardo Lara, announced what his office called “a landmark regulation” to improve access to coverage. The new rule, the commissioner declared, would address the problems that California homeowners were facing in the present and, at the same time, build “a resilient insurance market for the future.” Then the Palisades Fire ignited, soon to be followed by the Eaton Fire, the Hurst Fire, the Lidia Fire, and the Sunset Fire. With damages from these still mostly uncontrolled blazes now estimated at up to a hundred and fifty billion dollars, the future of California’s insurance market is looking a lot more rocky than resilient. As one L.A.-based insurance agent put it to the *Wall Street Journal*, “We are in uncharted territory.”

What is often referred to as California’s “insurance crisis” has been years in the making. The devastating Camp Fire, near Chico in 2018, caused an estimated sixteen and a half billion dollars’ worth of damage and led to a net loss for companies that had written fire policies in the state that year. In 2019, the number of homeowners’ policies in California that were not renewed jumped by more than thirty per cent. In 2023, two giant insurers, State Farm and Allstate, announced that they would stop writing new policies for various forms of property insurance in California. State Farm said the move came in response to inflation and “rapidly growing catastrophe exposure.” Last summer, it cancelled coverage for more than fifteen hundred homes in Pacific Palisades, the wealthy enclave where the first of the L.A. blazes began.



A Bank of America on fire in downtown Altadena.

There are several reasons that “catastrophe exposure” in California has in recent years been growing. One is that more people are moving into wildfire-prone areas. Another is that fires are becoming more destructive, in large measure owing to climate change. A 2023 study concluded that the area consumed by summer wildfires in central and northern California has increased by five hundred per cent during the past several decades and that “nearly all of the observed increase” is due to warming. Another study, put out last year by the group Climate Central, found that rising temperatures had increased the number of “fire weather days”—windy, hot, and dry—throughout California. This was particularly the case in the desert basin east of L.A., which now has an average of sixty-one more such days per year than it did five decades ago. “As our climate warms, the chances of intense, fast-growing fires like the ones Californians are facing today will keep rising,” Kaitlyn Trudeau, a senior research associate at Climate Central, said on Wednesday.

Making a bad situation worse, at least from the insurance companies' perspective, California's insurance department made it hard for them to recoup or even project the growing costs of weather-related disasters. Until department rules were revised last year, they prevented companies from using so-called catastrophe models to forecast losses from wildfires; insurers could only look backward, at historical losses. Also, until last month, they could not pass on the costs of reinsurance, which is basically insurance for insurers, and which has been rising steeply in price.

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In return for the changes to the rules, insurers are now required to write more policies for homeowners in wildfire-prone areas. Some consumer advocates condemned the deal as too favorable to the industry. Others hoped that it would, finally, improve access to coverage. "We were all thinking 2025 is going to be the year insurers regain their appetite for the market in California," Amy Bach, the executive director of United Policyholders, a California-based nonprofit, told NBC News. "Having this catastrophe hit us right out of the gate is really unfortunate."



A telephone pole burned through by the Eaton Fire, in Altadena.



A burned stop sign in Pacific Palisades.

California is, of course, not the only state facing—or not facing up to—a climate-inflected insurance crisis. After a series of devastating hurricanes—Harvey in 2017, Ida in 2021, Helene and Milton in 2024—property owners in Florida, Louisiana, and Texas are also finding insurance increasingly hard to afford or even obtain. The situation is similar in Colorado, where, as in California, wildfire risks are climbing. “We’re a few bad decisions away from being where California is,” Carole Walker, the executive director of the Rocky Mountain Insurance Information Association, told CBS.

For homeowners who can’t find fire insurance, California has an insurer of last resort, known as the Fair Access to Insurance Requirements, or FAIR, plan. The FAIR plan was established by the state, but it is operated by private companies, which pool the risks. Florida, Louisiana, and Texas have similar entities, and Colorado recently established one. As insurers have pulled out of California, the number of policies written by the state’s FAIR plan has risen steeply; just since late 2023, it has grown by more than forty per cent. Meanwhile, the value of the residential properties insured by FAIR has risen to more than four hundred and fifty billion dollars, triple what it was in 2020. This has led to worries that, with all the damage from the current fires, the plan will go broke.

“I’m concerned that we’re one bad fire season away from complete insolvency,” Jim Wood, then a California assemblyman, said back in March. Were FAIR unable to meet its obligations, the state’s insurance companies would have to make up the difference. They, in turn, would pass on at least part of the cost of this assessment to consumers, further driving up prices.



The charred remnants of a beach home and a car in Malibu.

All of which raises the question of what role insurance can—and should—play in a warming world. As the dangers of climate change in California have increased, FAIR has absorbed much of the risk. This has been a boon to homeowners in the most fire-prone neighborhoods, but it could prove a burden to other state residents if they end up picking up the tab.

“The bet on the FAIR Plan is the state’s decision to do whatever it takes to keep property markets working, even in risky areas, and to mute the price signal of riskiness,” Susan Crawford, a clinical professor emeritus at Harvard Law, wrote in a recent Substack post. “That bet may now be being called. No one knows what will happen next.” ♦

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*Elizabeth Kolbert, a staff writer at *The New Yorker* since 1999, won the 2015 Pulitzer Prize for general nonfiction for “The Sixth Extinction.” Her other books include “Life on a Little-Known Planet” (November, 2025).*

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By Rachel Monroe



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By Jonathan Blitzer

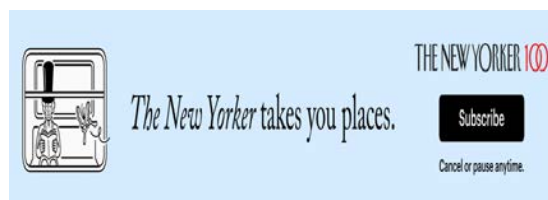


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By Lisa Wood Shapiro



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LADRIS TECHNOLOGIES

Forward Deployed Operations

30 September 2025

Honorable Members of the San Diego County Board of Supervisors

1600 Pacific Highway, Room 335

San Diego, CA 92101

Re: Wildfire Evacuation Analysis for Harmony Grove Village

Dear Board Members:

On behalf of the Elfin Forest/Harmony Grove Town Council, we submit for your consideration a wildfire evacuation simulation analysis conducted by Ladrис Technologies.

Since 2019, Ladrис Technologies has served over forty state and local government agencies across eight states and is recognized as the gold standard in evacuation clearance time modeling through rigorous scientific validation. Our Forward Deployed Operations team includes former fire chiefs, incident commanders, and regional emergency management leaders with decades of operational experience, including CAL FIRE Region leadership who managed response to the Camp Fire, Thomas Fire, Cocos Fire, and other major incidents in similar terrain.

Under current conditions, the simulation demonstrates evacuation times exceeding three hours. This assumes maximum egress capacity to the east and immediate departure within one hour of evacuation order—a conservative assumption, as actual departure timeframes typically extend significantly longer.

With the proposed new development using very conservative assumptions, evacuation times increase to more than four hours, even maintaining all eastern egress routes.

The analysis indicates the area currently presents substantial evacuation risk. The proposed development materially increases this risk under the modeled conditions.

We welcome the opportunity to present these findings and address questions from the Board.

Respectfully submitted,

Signed by:
A handwritten signature in blue ink, appearing to read "Leo F. Zlimen", enclosed in a blue rectangular box.

Leo F. Zlimen

Ladrис Chief Executive Officer

Ladrис Technologies

Forward Deployed Operations

9/30/2025

Date