

Board of Supervisors Meeting

Meeting Time: 09-15-21 09:00

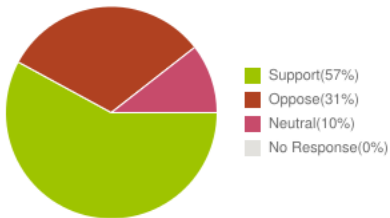
eComments Report

Meetings	Meeting Time	Agenda Items	Comments	Support	Oppose	Neutral
Board of Supervisors Meeting	09-15-21 09:00	16	19	11	6	2

Sentiments for All Meetings

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



Board of Supervisors Meeting

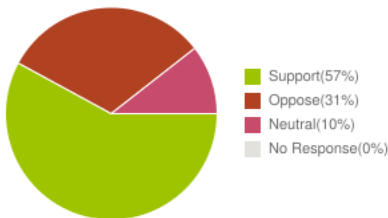
09-15-21 09:00

Agenda Name	Comments	Support	Oppose	Neutral
1. NOTICED PUBLIC HEARING: CONSIDER RESCINDING THE TRANSPORTATION STUDY GUIDE IMPLEMENTING VEHICLE MILES TRAVELED ANALYSIS IN THE UNINCORPORATED REGION	19	11	6	2

Sentiments for All Agenda Items

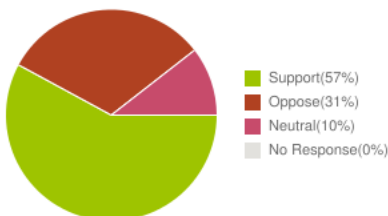
The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



Agenda Item: eComments for 1. NOTICED PUBLIC HEARING: CONSIDER RESCINDING THE TRANSPORTATION STUDY GUIDE IMPLEMENTING VEHICLE MILES TRAVELED ANALYSIS IN THE UNINCORPORATED REGION

Overall Sentiment



Richard D'Ascoli

Location: 92131, San Diego
Submitted At: 10:16am 09-15-21

VMT will further segregate San Diego residents by making it even more expensive for those who hope to someday purchase a home. Disadvantaged residents are being blocked from opportunities to purchase a home, as county policy will make the cost to construct in less affordable outlying areas more expensive. COVID has changed how many can work. Vote no, to make housing more affordable for those who desire upward mobility and integration in more affordable neighborhoods.

Scott Molloy

Location: 92106, San Diego
Submitted At: 10:08am 09-15-21

OPR's Guidelines are internally inconsistent. They recommend cities use their jurisdictional boundaries to

establish a city-wide VMT average yet recommend that unincorporated communities only use a regional average. Use of a regional average is wholly unscientific. Instead, subregional averages should be used which include both incorporated areas and unincorporated areas.

Lucero Sanchez

Location: 92029, Escondido
Submitted At: 9:45am 09-15-21

Good morning, my name is Lucero Sanchez with San Diego Coastkeeper. Today I am writing in support of staff's recommendation to rescind the current, fatally-flawed SB 743 Transportation Study Guide. The climate crisis and environmental injustices have and will impact low income communities and communities of color first and worst. Continued delay on SB 743 implementation only worsens those impacts, such as dangerous levels of car pollution, extreme heat, deadly wildfires, and more. Thank you.

Ditas Yamane

Location: 91910, Chula Vista
Submitted At: 9:32am 09-15-21

The Pacific Southwest Association of REALTORS opposes the rescision of the Transportation Study Guide. We urge you to wait until county staff returns to advise you on thirteen policy areas that you have requested them to report back to the Board on in January 2022. On behalf of our 3,500 Real Estate professionals in San Diego County, thank you for not rescinding the Transportation Study Guide. Allow your staff to return with policy recommendations to adopt a long-range housing strategy.

Tara Hammond

Location: 92037, La Jolla
Submitted At: 8:52am 09-15-21

Good morning Chair Fletcher and Supervisors, my name is Tara Hammond and I am the founder of Hammond Climate Solutions. I fully support staff's recommendation to rescind the flawed SB 743 Transportation Study Guide and I urge you to take a bolder approach to immediately stop sprawl development. For the sake of a just and livable future, please adopt a new guide that will create a viable pathway to implementing SB 743 and help achieve zero carbon by 2035. Thanks for your time and consideration!

Scott Kelley

Location: 92104-4215, San Diego
Submitted At: 7:16am 09-15-21

I am writing in strong support of rescinding the current SB 743 Transportation Study Guide. Stopping sprawl is essential to dealing with the climate crisis. More sprawl results in greater transportation emissions, more habitat destruction with roads and houses, an increased interface with wildfire prone regions, and huge wastes of water in time of a mega drought and out of control fires. We need new approach that stops sprawl and preserves the few precious resources we have left.

patricia borchmann

Location: 92026, escondido
Submitted At: 5:42am 09-15-21

I join others to strongly support staff's recommendation to rescind the current, SB 743 Transportation Study Guide. However, rescinding the flawed TSG is not enough to meet county's climate goals or comply with state law. What's needed is a clear, bold approach to development that actually stops sprawl, and applies to pipeline projects. Adopt OPR guidance to use regional average VMT as threshold to manifest intent of SB 743--reducing uncontrolled sprawl and focusing growth in strategic areas.

Douglas Dill

Location: 92029, Escondido
Submitted At: 10:22pm 09-14-21

I support rescinding SB 743 but deferring to the state Office of Planning and Research (OPR) technical advisory for analyzing projects and to develop a County replacement to the TSG as soon as possible. We must incentivise development in urban areas near employment centers and transportation corridors, avoiding costly sprawl development.

Debra O'Neill

Location: 92029, Escondido
Submitted At: 7:42pm 09-14-21

Please rescind SB 743 and defer to the State of California standards. Climate change is real and increasing temperatures are a threat to all San Diegans. Any steps the Board of Supervisors can do to reduce global warming is vital to the health and safety of all of our citizens. If the County wants to develop even greater standards in the future than those of the state, I would support that.

Edward Philbrick

Location: Ca, San Marcos
Submitted At: 7:34pm 09-14-21

The value of San Diego is our Open spaces. This was proven during the pandemic. Please encourage urban renewal and limit sprawl. Global warming is the top threat to our way of life economy and the local environment. Developers do not have the best interest our quality of life for San Diego County residents. The current housing shortage will wax and wane. Please do not over correct.

JP Theberge

Location: 92078, San Marcos
Submitted At: 7:21pm 09-14-21

I support rescinding the TSG but am very disappointed that the Board is following in the footsteps of its predecessors by delaying "doing the right thing" on behalf of sprawl developers who are clearly lobbying to try to keep fire prone sprawl projects on the table. Stop the stalling and get this done. Don't repeat the errors of your climate change denying predecessors. Would also like the County to ensure that projects in the interim default to OPR guidelines.

Cynthia Eldred

Location:
Submitted At: 4:37pm 09-14-21

Members of the Board of Supervisors: Please see my attached letter, submitted on behalf of our client, PV Ivanhoe, LLC, in opposition to staff's recommendation to rescind the Transportation Study Guide. PV Ivanhoe is almost four years into the County entitlement process with an issued Notice of Preparation of an Environmental Impact Report. The applicant has relied upon the County's current regulations and should be allowed to complete the process under those regulations.

Bee Mittermiller

Location: 92037, La Jolla
Submitted At: 3:46pm 09-14-21

I support the rescinding of the existing Transportation Study Guide. It would allow for sprawl development, further endangering homeowners in that would be in fire zones and harming already disadvantaged communities. It needs to be replaced with an interim plan that would follow the intent of SB 743 while the 13 topics can be researched and studied without harm to the environment and our climate. A regional threshold for VMT should also be adopted while a new TSG is being written.

Jennifer Lynch

Location:
Submitted At: 2:34pm 09-14-21

There are currently more than fifty project applications under review at the County and at various stages in their entitlement efforts. Rescinding the TSG for these projects midstream will result in significant and unanticipated schedule disruptions and cost changes for these projects, which have been proceeding, for months, in good faith reliance on the County's existing TSG. Thus, we ask that the Board consider allowing current applications to proceed under the guidance of the existing TSG.

Craig Jones

Location: 92131, San Diego
Submitted At: 1:50pm 09-14-21

CONDITIONAL support: the existing TSG is deeply flawed, needs to be replaced; but instead of rescinding

without any interim rules, either replace in interim with State OPR rules (combined regional average VMT threshold) or amend by adopting combined cities/county regional VMT threshold.

Hannah Gbeh

Location: 92025, Escondido
Submitted At: 12:39pm 09-14-21

The San Diego County Farm Bureau requests that agricultural land uses and operations be given unique consideration in relation to the VMT methodology. The County's current crop report shows that San Diego County has lost 10,000 acres of production agriculture between 2019 and 2020. A practical implementation approach must be taken so that farming operations, wineries and agricultural businesses can continue to grow and thrive in the unincorporated areas of our region.

Bob Stewart

Location: 92106, San Diego
Submitted At: 9:23am 09-13-21

Since the Court has not yet made a decision on the criteria for the VMT analysis please consider waiting for the Court rather than wasting all your past efforts to bring balance to the issue. Your zoning code should control growth not Sandag

Laura Hunter

Location: 92029, Escondido
Submitted At: 2:02pm 09-11-21

I fully support the staff recommendation to rescind the current TSG and adopt the OPR guidance to use the regional average VMT as the threshold. It is also appropriate to further investigate the issues raised earlier in the year and make recommendations so that the County's policies will manifest the intent of SB 743--reducing uncontrolled sprawl and focusing growth in strategic areas. Thank you for changing course on this very important issue.

Bill Tippets

Location: 92037, La Jolla
Submitted At: 1:42pm 09-11-21

On behalf of the Southwest Wetlands Interpretive Association, we fully support the staff recommendation that the County rescind its TSG and adopt the "regional average VMT" as the threshold. We also support having staff pursue the 13 issues as directed by the Board to conform to the intent of SB 743 and achieve a practical implementation approach. In light of the County's new and much lower RHNA allocation, the County can and should be promoting new development in Smart Growth/Villages areas.

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VIA ELECTRONIC MAIL ONLY

September 14, 2021

Chairperson Nathan Fletcher
Vice Chairperson Nora Vargas
Supervisor Joel Anderson
Supervisor Terra Lawson-Remer
Supervisor Jim Desmond
County of San Diego Board of Supervisors
1600 Pacific Highway, Room 355
San Diego, CA 92101

Re: Proposed Rescission of the Transportation Study Guide
September 15, 2021 Board of Supervisors Hearing; Agenda Item 1

Dear Board Chairperson, Board Vice Chairperson, and Supervisors:

We represent PV Ivanhoe, LLC (“Ivanhoe”) regarding its ownership and development of a residential community (“Ivanhoe Ranch”) on approximately 120 acres of real property (“Ivanhoe’s Property”) located in the community of Valle de Oro in the unincorporated County of San Diego (the “County”).

Requests

For reasons summarized here, among others, Ivanhoe respectfully requests that the Board of Supervisors (the “Board”) decline to adopt staff’s recommendation to rescind the County’s Transportation Study Guide (the “TSG”) for analyzing a project’s environmental impacts under the California Environmental Quality Act (“CEQA”).

More specifically, until such time as the Board adopts a replacement significance threshold to be used in evaluating a project’s transportation impacts, Ivanhoe respectfully requests that the Board decline to adopt staff’s recommendation to eliminate the use of the TSG’s significance threshold for such impacts (the “TSG Significance Threshold”).

If, despite Ivanhoe’s requests, the Board adopts staff’s recommendations to rescind the TSG, including the TSG Significance Threshold, Ivanhoe respectfully requests that the Board create an exception in the rescission for projects for which County staff have determined that the respective applications for such projects are complete under both the California Permit Streamlining Act (the “Permit Streamlining Act”) and CEQA.

Brief Discussion

On May 23, 2018, Ivanhoe submitted to the County an application for a general plan amendment, rezone, tentative subdivision map (the “TM”), site plan, agricultural preserve disestablishment, and a Williamson Act Contract cancellation to entitle development of Ivanhoe Ranch. Ivanhoe Ranch consists of a 120-lot subdivision with 119 new residential units and one existing residence to remain unchanged, 24.97 acres of biological open space, and a private 1.78-acre park with a parking lot.

Ivanhoe’s application was deemed complete on June 22, 2018 (the “Application Deemed Complete Date”) by operation of law under the Permit Streamlining Act. Pursuant to the California Subdivision Map Act, subject to limited exceptions, in considering whether to approve or disapprove Ivanhoe’s application for the TM, the County may apply only those of its ordinances, policies, or standards that were in effect on the Application Deemed Complete Date.

On April 15, 2021, County staff determined that Ivanhoe’s application for the County’s approval of Ivanhoe Ranch was also complete under CEQA. The County published a Notice of Preparation of an Environmental Impact Report (“NOP”) for the project on April 15, 2021, and solicited public comments through May 17, 2021, including in public meetings held on April 29, 2021 and May 17, 2021.

Ivanhoe has spent over \$2,796,000.00 in pursuing County approval of Ivanhoe Ranch, including over \$176,700.00 in County processing fees. Disregarding the months of preparation of the initial application and discussions with County staff about the initial application, Ivanhoe is now almost three and one-half years into the County entitlement process. In doing so, Ivanhoe has relied on applicable state and local laws and regulations in processing its application. This includes reliance on the TSG, including the TSG Significance Threshold.

Based on substantial evidence in the record, the Board previously adopted the TSG Significance Threshold, concluding that the impacts of a residential project may result in a significant transportation impact if the project is projected to exceed a level of 15% below existing vehicle-miles-traveled (“VMT”) per capita as measured against the average VMT per capita for the unincorporated County as a whole. On May 19, 2021, the Board received a report from County staff regarding the County’s implementation of the TSG and the TSG Significance Threshold. The Board directed staff to analyze 13 issues related to VMT and to return to the Board in January 2022 with additional information on the items.

In response to an updated technical advisory from the State Office of Planning and Research (“OPR”), staff have now made recommendation to the Board to rescind the TSG, including the TSG Significance Threshold. However, as disclosed on OPR’s website, OPR’s technical advisories constitute general advice and recommendations which agencies and the public may use or decline to use at their discretion:

“These advisories provide general advice and recommendations, which agencies, the public, and other entities may use at their discretion. These advisories do not

alter a public agency's discretion in preparing environmental documents subject to CEQA. OPR does not enforce or attempt to enforce any part of the recommendations contained within the advisories. (Government Code [GC] § 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."].)

Conclusion

It is premature for the Board to abandon its TSG and the TSG Significance Threshold. Presumably, staff are in the process of complying with the Board's May 19, 2021 direction to study the 13 VMT-related issues and to return to the Board in January 2022. Since May 19, 2021, there have been no changes in state law or regulation regarding the VMT analysis now required by CEQA.

Ivanhoe respectfully suggests that County staff, counsel, and the Board itself should take the next five months to study the VMT issues outlined by the Board in May 2021 prior to acting upon OPR's updated guidance that does not carry the force of law. If, after that study, the Board determines to rescind the TSG and the TSG Significance Threshold, Ivanhoe respectfully requests that the Board do so while allowing projects like Ivanhoe Ranch to proceed under the TSG and the TSG Significance Threshold, and while concurrently replacing both the TSG and the TSG Significance Threshold with new standards applicable to projects that have not yet attained a level of completeness under the Permit Streamlining Act and CEQA.

Very truly yours,



Cynthia L. Eldred, Esq.
THE LAW OFFICE OF CYNTHIA L. ELDRED, APC
cc: PV Ivanhoe, LLC