



# COUNTY OF SAN DIEGO

## LAND USE AGENDA ITEM

### BOARD OF SUPERVISORS

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First District

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**DATE:** June 24, 2020

**03**

**TO:** Board of Supervisors

### **SUBJECT**

**RECOMMENDED DENIAL OF LILAC HILLS RANCH GENERAL PLAN AMENDMENT, SPECIFIC PLAN, ZONE RECLASSIFICATION, TENTATIVE MAPS, MAJOR USE PERMIT, AND SITE PLAN, LOCATED IN THE VALLEY CENTER AND BONSALL COMMUNITY PLAN AREAS (DISTRICT: 5)**

### **OVERVIEW**

The Lilac Hills Ranch project (Project) is a planned community located on a 608-acre site within the Bonsall and Valley Center Community Plan areas of the unincorporated area of San Diego county. The site is located 0.5 mile east of Interstate 15 (I-15) and Old Highway 395. The Project proposes 1,746 residential units, a town center with a 50-room country inn and 90,000 square feet of office and retail uses, a 9.7-acre school site, a 200-bed group care facility, a senior community center, a community purposes facility (private recreational facility and area for potential fire station), 25.6 gross acres of public and private parks, 16 miles of multi-use community trails and pathways, waste and water recycling facilities, and 104.1 acres of biological open space.

The Project was submitted to Planning & Development Services (PDS) in 2012 and received significant public input from the community and stakeholders throughout its processing. Concerns have been raised regarding the Project's conformance with the San Diego County General Plan, traffic impacts, road improvements and eminent domain, greenhouse gas emissions, and fire safety and emergency evacuation. Staff conducted an evaluation of the Project and in 2015, recommended approval of the Project with modifications, including the addition of a landscaped buffer around the site and requirements on the timing of certain phases like the construction of the town center.

In 2015, the Planning Commission held three public hearings on the Project, including a field trip to the site and surrounding community, and recommended approval of the Project with additional modifications, including required road improvements on West Lilac Road, specific timing on the construction of the necessary sewer facilities, funding and construction of a turn-key school, and conditions related to easement rights and overburdening, which occurs when the traffic added to an existing private road easement exceeds the amount of traffic the road was built to handle.

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Prior to the Project moving forward to the Board of Supervisors (Board) in 2016, then-applicant Accretive Investments, Inc. placed a modified version of the Project on the 2016 countywide ballot as a voter initiative. The initiative did not incorporate staff's or the Planning Commission's recommendations and was not approved by the voters. After the election, the current applicant, Village Communities, LLC (Applicant), modified the Project to address the recommendations made by staff and the Planning Commission.

In June 2017, the Applicant reinitiated the Project by submitting both a revised greenhouse gas (GHG) study and an updated Specific Plan. Staff reviewed the revised documentation and recirculated the traffic and GHG sections of the Environmental Impact Report (EIR) for public review in 2018. In June 2018, the Planning Commission considered the changes made after its last review of the project in 2015 and determined the changes were not substantial and therefore, they did not require a new Planning Commission recommendation on the Project.

At the time the Planning Commission recommended approval in 2015, the Deer Springs Fire Protection District (DSFPD) had fire authority jurisdiction and accepted the Fire Protection Plan for the Project and confirmed it could provide fire service. Although the County Fire Authority did not have jurisdiction at the time, it also reviewed the Project and provided comments regarding fire safety, while recognizing the DSFPD had jurisdiction over the Project. Two significant changes have occurred since that time.

First, in 2016, the County Fire Authority began providing fire prevention services on DSFPD's behalf, pursuant to an agreement. Second, California experienced the deadliest wildfires in the state's history. The wildfires resulted in an increased focus on fuel modification along roads, additional fire safety regulations, and analysis of evacuation planning across the state. Upon its review of the Project in 2019, the County identified fire safety concerns, most critically that the Project presents a risk of entrapment along West Lilac Road during a wildfire evacuation. The County also engaged a consultant to perform an independent review of fire-related aspects of the Project. Like the County Fire Authority, the consultant found the Project's proposed use of West Lilac Road as an emergency evacuation route is inadequate because it presents an entrapment risk. To address this risk, the County concluded 20-foot easements along both sides of West Lilac Road were needed to establish and maintain a fuel modification zone. The Applicant worked to resolve many of the County's fire safety concerns but was unable to obtain the easements along West Lilac Road.

Without the easements along West Lilac Road, the entrapment risk remains unaddressed. Staff has therefore determined the Project is unsafe and recommends denial of the Project. The Board can deny the Project or, if it does not support the staff recommendation, the Board can either: (1) refer the Project back to staff for further analysis and allow the Applicant additional time to try and resolve the fire related issues, including making changes to the Project, or (2) direct staff to prepare the necessary documents to approve the existing proposed Project and bring it back to the Board for consideration.

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If the Board denies the Project, no further processing would be required, and no further costs would be incurred by the Applicant as the Project would not move forward. There would be no restriction or limitation on any future General Plan Amendment applications requested on the property, even an application for the same Project. However, any future permit applications requested on the property would need to restart the permit process, including the preparation of a new environmental document.

Under either option where the Board refers the Project back to staff, the EIR would need to be recirculated. A recirculation of the EIR would take approximately one and a half years to process and return to the Board with a cost to the Applicant ranging from \$150,000 to \$250,000 depending on the number and complexity of comments received during the recirculation public review period. If the Board directed staff to prepare the necessary documents to approve the Project, the staff recommendation would still be to deny the Project due to the fire safety concerns. To prepare the necessary documents to approve the Project, staff would recirculate the EIR and return to the Board within approximately one and a half years with a cost to the Applicant of approximately \$150,000 to \$250,000 before returning to the Board for consideration.

## **RECOMMENDATIONS PLANNING COMMISSION**

On August 7, 2015, the Lilac Hills Ranch project (Project) was presented to the Planning Commission. Approximately 110 people spoke on the matter during the hearing. The Planning Commission had questions about the project and continued the item to August 12, 2015 for a site visit. On August 12, 2015, the Planning Commission conducted a site visit that consisted of five stops along the Project site and surrounding area. The Planning Commission asked questions of staff and requested the preparation of responses for the subsequent hearing. At the conclusion of the site visit, the Planning Commission continued the item to September 11, 2015.

On September 11, 2015, after receiving additional public testimony and staff presented responses to the questions from the August 7 hearing and August 12 site visit, the Planning Commission voted 4 Ayes, 3 Noes, 0 Abstain and 0 Absent (Ayes: Pallinger, Brooks, Barnhart and Woods; Noes: Beck, Norby and Seiler) to recommend approval of the Project to the Board of Supervisors (Board). This vote was consistent with the recommendation made by Planning & Development Services at the time, with additional modifications. The Planning Commission recommendation includes Project conditions related to roads (design, access rights, overburdening and improvements) and the construction and timing of facilities (Town Center, school, fire station and wastewater treatment plant).

On May 15, 2020, the Planning Commission requested Planning & Development Services to add an item to the June 12, 2020 agenda regarding the formation of an ad hoc subcommittee for the Project related to fire safety. On June 12, 2020, the Planning Commission will conduct a noticed public hearing to consider forming an ad hoc subcommittee for the Project and for County staff to provide an overview of the fire safety determination for the Project. The actions the Planning

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Commission may take include: (1) Take no action, (2) provide a recommendation to the Board regarding the fire safety determination, or (3) recommend that the Board refer the project back to the Planning Commission for further evaluation and consideration of the fire safety issues. Any recommendations from the Planning Commission will be included in the presentation to the Board at its June 24, 2020 hearing.

**DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES**

Planning & Development Services (PDS) does not concur with the Planning Commission’s recommendations because of the changed factors related to fire safety. PDS conducted a detailed analysis of the Lilac Hills Ranch project (Project) for consistency with the General Plan, Zoning Ordinance and other applicable regulations, policies and ordinances as well as a thorough review of the Project’s potential impacts on the environment in accordance with CEQA.

Although some revisions to the Project have been made to address the fire safety concerns, Village Communities LLC, was unable to obtain easements along West Lilac Road to ensure that fuel modification would be implemented and maintained in perpetuity. Without the required easements to ensure that fuel modification would take place annually along West Lilac Road, staff recommends the Board:

1. Find that the Project is not subject to environmental review under Section 21080(b)(5) and 15270 of the California Environmental Quality Act (CEQA) guidelines because CEQA does not apply to projects that a public agency rejects or disapproves.
2. Adopt a Resolution entitled A RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS DENYING GENERAL PLAN AMENDMENT (GPA) PDS2012-3800-12-001, ZONING RECLASSIFICATION PDS2012-3600-12-003 (REZ), SPECIFIC PLAN PDS2012-3810-12-001 (SP), MASTER TENTATIVE MAP PDS2012-3100-5571 (TM), IMPLEMENTING TENTATIVE MAP PDS2012-3100-5572 (TM), MAJOR USE PERMIT PDS2012-3300-12-005 (MUP), AND SITE PLAN PDS2012-3500-12-018 (STP) (Attachment A) based on the fire safety concerns further described in this report.

**FISCAL IMPACT**

N/A

**BUSINESS IMPACT STATEMENT**

N/A

**ADVISORY BOARD STATEMENT**

The Lilac Hills Ranch project (Project) is located within the Valley Center and Bonsall Community Planning areas. The Project is also subject to the Valley Center Design Review Guidelines because it proposes commercial development and a Major Use Permit for a water

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reclamation facility. See Attachment B, Public Documentation, for the VCCPG, BCSG, and VCDRB Minutes.

#### Valley Center Community Planning Group

On April 13, 2015, the Valley Center Community Planning Group (VCCPG) recommended denial of the project with a vote of 11 Ayes, 2 Noes, 0 Abstain and 2 Absent. The VCCPG identified concerns regarding legal right-of-way, phasing, consistency with the County's General Plan, the proposed Specific Plan, and the adequacy of the EIR.

#### Bonsall Community Sponsor Group

On May 5, 2015, the Bonsall Community Sponsor Group (BCSG) recommended denial of the Project with a vote of 4 Ayes, 0 Noes, 0 Abstain and 3 Absent. The BCSG identified concerns regarding legal right-of-way, phasing, grading, density, wastewater, General Plan consistency, the Specific Plan, and the EIR.

#### Valley Center Design Review Board

On April 6, 2015, the Valley Center Design Review Board (VCDRB) made a recommendation to "re-iterate their view that the Project fails to meet Valley Center's most basic design objectives" with a vote of 3 Ayes, 0 Noes, 0 Abstain and 2 Absent. The VCDRB provided comments explaining their concerns regarding General Plan consistency, the Specific Plan and the EIR.

### **INVOLVED PARTIES**

Village Communities LLC. See Ownership Disclosure in Attachment C.

### **PLANNING COMMISSION VOTE**

On September 11, 2015, the Planning Commission voted to recommend approval of the Project to the Board of Supervisors with additional modifications. The Planning Commission recommendation includes Project conditions related to roads (design, access rights, overburdening and improvements) and the construction and timing of facilities (Town Center, school, fire station and wastewater treatment plant).

### **BACKGROUND**

#### ***Project History***

In November 2009, the applicant at the time, Accretive Investments, Inc. (Former Applicant), requested authorization to submit an application for a General Plan Amendment (GPA) through the Plan Amendment Authorization (PAA) process. The Director denied the request in 2009, but after multiple hearings in 2010, the Planning Commission authorized the PAA on December 17, 2010.

On April 30, 2012, the Former Applicant submitted an application for a GPA, Specific Plan, Rezone, Master Tentative Map, Implementing Tentative Map, Major Use Permit and two Site

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Plans (on December 3, 2013, one Site Plan for the single-family dwelling units in Phase 1 was withdrawn).

On September 11, 2015, the Planning Commission voted to recommend approval of the Project to the Board, subject to modifications and conditions.

The Former Applicant placed a modified version of the Project without the Planning Commission recommendations on the November 8, 2016 ballot as a voter initiative called Measure B. On July 19, 2016, the Board requested an “Impact Report for the Initiative” comparing the site-specific buildout of the existing County of San Diego (County) General Plan, the Project as recommended by the Planning Commission and Measure B. A copy of the Impact Report is attached to this report (Attachment F). San Diego county voters did not approve Measure B.

In June 2017, Village Communities LLC (Applicant) reinitiated the Project by submitting updated traffic information and associated studies, a revised greenhouse gas (GHG) emissions technical study, and an updated Specific Plan. The Draft Environmental Impact Report (EIR) for the Project was circulated for three public review periods. The first Draft EIR was circulated from July 3, 2013 through August 19, 2013 (48 days). The County received 101 public comment letters. The Draft EIR was revised to provide additional details on the Project description, traffic analysis, agricultural resources, General Plan consistency, GHG emissions, and energy, and was recirculated from June 12, 2014 through July 28, 2014 (48 days). The County received 116 public comment letters. The Draft EIR was revised to update GHG analysis and traffic information and associated studies and was recirculated from February 22, 2018 through April 9, 2018 (47 days). The County received 96 public comment letters. A total of 313 comment letters were received during the three public review periods. Most comments opposed the Project.

### ***Project Description***

The following Project-related information is provided for reference and discussion purposes only, as the Lilac Hills Ranch project (Project) is not before the Board of Supervisors (Board) for approval. The Board can deny the Project or, if it does not support the staff recommendation, the Board can either: (1) refer the Project back to staff for further analysis and allow the Applicant additional time to try and resolve the fire related issues, including making changes to the Project, or (2) direct staff to prepare the necessary documents to approve the existing proposed Project and bring it back to the Board for consideration.

The Project proposes a maximum of 1,746 residential units, a 50-room country inn, 90,000 square feet of office and retail uses, a 9.7-acre school site, a 200-bed group care facility, a senior community center, a community purposes facility that includes a private recreational facility and area for potential fire station, 25.6 gross acres of public and private parks, 16 miles of multi-use community trails and pathways, water recycling and waste facilities, and 104.1 acres of biological open space. The Project site is approximately 608 acres and is regulated by policies of the County General Plan, the Valley Center Community Plan (VCCP) and Bonsall Community

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Plan (BCP). The Project is located approximately 10 miles north of the City of Escondido and approximately 0.5 mile east of the Interstate 15 (I-15) and Old Highway 395.

The Applicant requests approval of a GPA, Specific Plan, Zone Reclassification, Tentative Maps, Major Use Permit and Site Plan to allow the Project. The proposed GPA would amend the General Plan Land Use Element, Mobility Element, and the Valley Center and Bonsall Community Plans. Under the existing General Plan Land Use Designations, the site can be developed with up to 110 single-family detached dwelling units. No commercial uses would be allowed under the current General Plan Land Use designation.

The Project would be implemented in five phases, with Phase 1 located at the northeast corner and Phase 5 in the southwest corner of the Project site. There is no phasing sequence identified, so the Project phases could be constructed in any order. Project service availability forms—including water, sewer, fire service, schools, and parks—have been completed for the proposed development. The Valley Center Municipal Water District, which would provide both water and sewer service, has stated in the forms that services to the Project are reasonably expected to be available within the next five years. The Project is located within the Deer Springs Fire Protection District (DSFPD), which is the fire authority having jurisdiction. The DSFPD completed the service availability form for fire service in 2014 with the condition that the Project implement one of four fire service options identified in the Specific Plan to meet the 5-minute travel time requirement of the General Plan. In December 2016, the DSFPD contracted with the County Fire Authority to do fire prevention services on behalf of the district, including evaluation of proposed projects.

For school service, the Project is located within the boundaries of two districts: the Bonsall Unified School District and the Valley Center-Pauma Unified School District. Both districts completed the service availability forms and indicated their ability to serve the Project. In addition, the Project would include a site for a K-8 school. The Site Plan, proposed for Phase 1, would authorize the construction of five private parks and the detailed park improvements and amenities. The private parks would be owned and operated by the homeowners' association (HOA). Four of the five private parks would be open to the public, except for the private recreational center that includes a reception hall, recreational field, tennis courts, a pool, and a clubhouse.

## **PROJECT ANALYSIS**

Planning & Development Services (PDS) staff conducted a comprehensive evaluation of the Lilac Hills Ranch project (Project). A summary of key points is described in this section. Based on fire safety concerns, staff recommends the Board of Supervisors deny the Project.

### **Fire Safety and Emergency Evacuation**

The community and stakeholders have expressed concerns regarding fire protection and evacuation, specifically the impact of additional traffic from the Project on West Lilac Road during an emergency evacuation. The County reviewed the Project and determined the Project is

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unsafe as designed and poses a significant fire safety risk to the existing community. The section below describes staff's analysis and determinations related to fire safety.

A Fire Protection Plan (FPP) was prepared for the Project to evaluate the level of potential fire hazard affecting or resulting from the proposed Project and the methods and measures proposed to minimize that hazard. Because the Project is in the DSFPD, in 2014 the DSFPD accepted the FPP for the Project and indicated they could provide fire service to the Project. The County Fire Authority also reviewed the Project and provided comments regarding fire safety, recognizing the DSFPD had jurisdiction over the Project. Two changes occurred since that time. First, in 2016, after the Planning Commission recommended approval of the Project based on staff's recommendation, the County Fire Authority entered into an agreement to provide fire prevention services on behalf of the DSFPD. Second, California experienced the deadliest and most destructive wildfire seasons in the state's history, prompting additional analysis of fire safety regulations for all County projects, including road configuration, fuel modification along access roads, especially evacuation corridors, and emergency evacuations by PDS, County Fire Authority and the County Sheriff's Department.

The Project is located within a very high fire hazard severity zone and the surrounding areas have historically experienced large wildfires. Fuel concentrations and corridors in the immediately adjacent and nearby areas, if combined with certain weather conditions, could result in significant fire development. Of particular concern to the County was West Lilac Road, an existing two-lane road with vegetation in close proximity to both sides of the road that serves as one of the primary evacuation routes for area residents. The County determined that additional traffic from the Project could exceed capacity of West Lilac Road during an evacuation, creating an entrapment hazard and impeding evacuation efforts. The County Fire Authority engaged a consultant to perform an independent review of the Project, which supported the County's finding that the proposed use of West Lilac Road as an evacuation route is inadequate and presents a risk of entrapment.

In a letter dated January 8, 2020, the County requested that Village Communities LLC secure 20-foot easements on both sides of West Lilac Road from Covey Lane to the northwestern Project entrance (Attachment F). The easements would be used to establish and annually maintain a fuel modification zone to enhance and ensure West Lilac Road's use as an evacuation route for area residents. To date, the Applicant has not provided any draft or recorded easements along West Lilac Road. The Applicant provided nine letters from property owners along West Lilac Road agreeing to the fuel modification, but the letters do not cover the length of West Lilac Road requested by the County, are not legally binding, and do not grant a permanent right to conduct fuel modification.

The Applicant worked to resolve many of the County's concerns, including proposing to remove gates within the Project and add an access road to the west along Nelson Way, an existing private road. After the Applicant provided additional information on Nelson Way, the County and PDS evaluated the road and determined that because it is steep, narrow, and windy, it would not



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eliminate the entrapment and evacuation concerns. Even with the addition of Nelson Way, West Lilac Road would serve as a primary evacuation route for area residents and would be impacted by Project traffic during an evacuation.

The Applicant provided an evacuation analysis that was reviewed by the County and a third-party consultant. Both the County and third-party consultant dispute assumptions relied upon by the evacuation analysis. For example, the analysis assumes the addition of a two-way left-turn lane and road improvements on West Lilac Road will more than double the road's capacity. The County agrees these improvements may increase capacity but disputes they would double capacity because, among other reasons, the improvements would not extend along the entirety of West Lilac Road. The analysis also assumes intersections in the area would be managed by law enforcement to facilitate traffic flow, but fails to account for the additional time needed for dispatch, evacuation declarations, and placement of law enforcement at intersections. In addition, the analysis assumes all evacuation routes will be open and available to evacuating traffic. The County disputes this assumption because it is likely the fire causing the evacuation will preclude the use of at least one of the evacuation routes.

Based on the above considerations, the Project's proposed traffic improvements are insufficient to mitigate the impacts during an evacuation. The County determined Project traffic would exceed West Lilac Road's capacity during an evacuation, resulting in congestion and a risk of entrapment for area residents. Due to concerns with evacuation and the lack of easements to address those concerns, County staff has determined the Project is unsafe and recommends denial of the Project.

#### *General Plan Travel Time Requirement*

Under the existing County General Plan designation, the Safety Element travel time standard from the closest fire station to the Project site is 10 minutes. DSFPD Station 11, located approximately five miles from the Project site at 8709 Circle R Drive, meets this standard. The Project proposes a land use density change from semi-rural to village. This change in densities results in a modification to the travel time requirement from a 10-minute travel time to a five-minute travel time standard. Based on a travel time analysis conducted by a County approved consultant and confirmed by staff, Station 11 could not respond to the entire Project within the five-minute travel time as required by General Plan Policy S-6.4, but would be able to meet the five-minute travel time for 71 units located within the northwest corner of Phase 1.

A CALFIRE station (Miller Station) for wildfire prevention and suppression is also located adjacent to the Project site. The Miller Station is currently one of the eight stations CALFIRE keeps open during the off-season. The Miller Station site could serve the entire Project within five minutes. However, CALFIRE is not obligated by law to provide structural fire protection within the DSFPD, and as a result, the Project would be required to build a separate DSFPD fire station facility or expand fire and medical emergency services provided by the Miller Station. All options presented by the Applicant would satisfy the five-minute travel time required by the General Plan. After receiving public testimony at the 2015 Planning Commission hearing, the

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Planning Commission recommended the Applicant establish a Community Facilities District for ongoing staffing for fire personnel and construct a new fire station or improve and expand the existing fire station. The Project would have to provide an agreement with the DSFPD to construct a fire station.

### **Additional Concerns Raised during the Public Comment Periods**

Beyond wildfire and evacuation, public concerns received throughout processing of the Project focused on community character; General Plan consistency; greenhouse gas (GHG) emissions; traffic issues, including access rights, design exceptions, sight distance, and eminent domain; and school capacity. Additional details on community concerns are provided in the Planning Commission Hearing Report provided as Attachment E and are summarized as follows.

### **Community Character**

Comments expressed concerns that the Project would change the rural character of the community and agricultural preservation. Design features included within the Project that intend to address these concerns include, but are not limited to, use of wider lots, grade separations, fencing and landscape buffers. The Project is designed in accordance with the General Plan's Community Development Model, which is characterized by a node of high intensity residential and commercial, surrounded by residential densities that gradually become less intense toward the perimeter of the Project.

### **General Plan Consistency**

In general, commenters expressed concerns that the proposed Project does not comply with the General Plan. Unless the Land Use and Mobility Elements are amended, the Project would not comply with the General Plan. Due to the determination that the Project is unsafe and poses a significant fire safety risk to the community, staff has also determined that the Project is inconsistent with General Plan policies related to fire safety, including S-1.1, S-3.1 and S-3.6.

### *Safety Element*

The Safety Element of the General Plan includes policies S-1.1, S-3.1, and S-3.6 to minimize the exposure to hazards, including assigning land use designations and density that reflect site specific constraints and hazards, and to ensure development implements measures that reduce the risk of human loss due to wildfire. The policies also require development to be located, designed, and constructed to minimize the risk of life safety resulting from wildland fires.

The Project is located southwest of Keys Creek, which consists of heavy chaparral fuels and steep topography that present entrapment potential to residents evacuating on West Lilac Road. The Project proposes to increase the density on the site from 110 dwelling units to 1,746 dwelling units, which will increase the number of residents that will need to be evacuated during an emergency. Evacuation traffic from the Project would exceed the road capacity of West Lilac Road and result in congestion during an evacuation and result in a risk of entrapment for area residents evacuating during a wildfire. To ensure the safety of existing residents in the community and future residents of the Project, the County identified a need for offsite easements

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to ensure fuel modification will occur along West Lilac Road. The offsite easements have not been obtained by the Applicant and County has determined that the Project is unsafe and the significant fire safety concerns have not been resolved. As a result, the Project is inconsistent with General Plan policies S-1.1, S-3.1, and S-3.6.

#### *Agricultural Preservation*

Much of the Project site is occupied by agricultural operations, and the surrounding area has low-density residential and agricultural uses. Implementation of the Project would convert existing agriculture to residential and commercial uses. The County's analysis determined that the Project site contains 43.8 acres of significant agricultural soils that would be impacted by the Project. The Project also proposes residential and civic uses within one-quarter mile of active agricultural operations, which can lead to indirect impacts, which can be caused by potential incompatibilities between residential and civic uses and existing agricultural uses in the area. Ultimately the incompatibility could result in additional agriculture in the area converting to residential or similar uses.

To mitigate these potential impacts, open space would be preserved on-site along the west side of the Project, and agricultural buffers of at least 50 feet, planted with fruit trees, would provide a transition from the Project to offsite agriculture. The Project incorporates a 50-foot orchard buffer along the portions of the Project that do not currently have a buffer, and a 30-foot buffer for the portion of the Project located along West Lilac Road to provide an additional transition. The implementation of these measures would mitigate indirect impacts to agricultural resources. Lastly, the Project would mitigate the impact to agriculture on the Project site through the preservation of agriculture on-site, support a farmers market and community gardens, and would preserve 43.8 acres of high-quality agricultural lands in a permanent off-site easement.

#### *Land Use Policy LU-1.2*

Specific comments raised concerns that the Project's proposed village does not comply with the General Plan Land Use Policy LU-1.2. This policy does not prohibit new villages from being established; rather, it allows new villages to be developed that are designed to be consistent with the Community Development Model, provide necessary services and facilities, and meet the Leadership in Energy and Environmental Design for Neighborhood Development (LEED-ND) Certification or an equivalent.

LEED-ND is a rating system for neighborhood planning and development Projects that emphasizes the creation of compact, walkable, vibrant, mixed-use neighborhoods. Staff reviewed in detail the content and evaluation criteria described in LEED-ND as well as best practices contained in other similar evaluation programs. Staff analysis concluded the Project is consistent with Policy LU-1.2 through a green rating system called the National Green Building Standards (NGBS), an equivalent program to the LEED-ND green rating system. NGBS measures have been incorporated into the Project design including mixed-use pedestrian-oriented development that includes bicycle and pedestrian facilities, energy and water conservation design features including solar photovoltaic systems, and a transportation demand management (TDM) program,

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among other design features. Permanent biological open space is proposed that would retain sensitive biological/wetland habitat, some of the existing agriculture, and cultural resources, which would total 104.1 acres.

### **Greenhouse Gas Emissions**

The County's General Plan land use designations currently allow 110 single-family detached dwelling units on the Project site. The Project proposes an increase of 1,636 dwelling units. Because the County's Climate Action Plan (CAP) analyzed and accordingly reduced greenhouse gas (GHG) emissions based on the approved Land Use Designations within the General Plan, the Project would have the potential to impede the County's CAP targets. Comments raised concerns that the Project would prevent the County from achieving the GHG reduction targets set forth by the General Plan and required by the State.

A GHG analysis was prepared for the Project and circulated for public review in July of 2013. Subsequent to that review on November 30, 2015, the California Supreme Court invalidated the Newhall Ranch Project's approach to analyzing GHG emissions under CEQA, which was the same approach originally used in this Project. On February 14, 2018, the County's CAP was adopted by the Board. Because the Project did not comply with existing land use designations, a separate GHG analysis was required. A supplemental GHG analysis was prepared and circulated for public review on February 22, 2018.

The Project proposes several GHG reduction features that include, but are not limited to, incorporation of zero net energy design with solar, a Transportation Demand Management program, installation of on- and off-site Electric Vehicle (EV) charging infrastructure, and the purchase of carbon offsets to reduce GHG emissions. These on-site project design features and off-site carbon offsets would reduce the project GHG emissions to zero.

### **Traffic**

Public comments raised issues regarding the proposed mobility plan for the Project and identified concerns with access rights, design exceptions, sight distance, and eminent domain.

#### *Access Rights*

The County received public comments regarding the lack of easement rights, traffic impacts to private roads such as the "overburdening" of the Mountain Ridge Road private road, and the inability to dedicate Covey Lane as a public road.

Mountain Ridge Road is an existing two-lane private road that provides access from Circle R Drive, a public road, to several existing parcels that are located within the southern portion of Phase 5 of the Project. Neighboring property owners assert that traffic from the Project would "overburden" Mountain Ridge Road. An easement can be considered "overburdened" when a proposed change in use exceeds the purpose for the easement when it was first created. The Project proposes gated access to the southern portion of Phase 5, so primary access and use of Mountain Ridge Road is only available to institutions (church or other civic use) and future

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residents of the southern portion of Phase 5. Potential overburdening to Mountain Ridge Road can only be determined by a court and is an issue between the affected private parties. To address this issue, the Specific Plan requires the Applicant to secure a court determination before development of the portion of Phase 5 that proposes to use Mountain Ridge Road for access.

Covey Lane is an existing two-lane private road that provides access from West Lilac Road to existing parcels located within Phases 3 and 4. Covey Lane consists of two segments, a private road within the Project that extends to the boundary of the Project and an existing off-site private road easement that consists of a 600-foot segment from the boundary of the Project to West Lilac Road. There are existing Irrevocable Offers of Dedication (IODs) dedicated to the County for the 600-foot off-site portion of Covey Lane. These IODs may be accepted for portions of Covey Lane to be dedicated as a public road and improved to Public Road Standards. The remaining portions of land needed to construct Covey Lane consist of private property under the ownership of the applicant and an existing 40-foot private road easement. The property within the 40-foot portion of the private road easement may be dedicated to the County to complete the public road connection between the eastern Project boundary and West Lilac Road.

*Road Modifications*

The 2015 Draft Revised EIR included modifications to road standards for 10 road segments; however, at the Planning Commission hearing on September 11, 2015, staff did not recommend approval of three of the requests for road modifications. The Applicant revised the Project description to remove these three exception requests and process the Project with only the seven remaining requests. A discussion of each road design exception request is included in the Project Traffic Impact Study and subchapter 2.3 of the EIR.

*Sight Distance*

A sight distance analysis was conducted for the Project at the Covey Lane/West Lilac Road and Mountain Ridge Road/Circle R Drive intersections. The sight analysis for the Covey Lane/West Lilac Road intersection determined that a clear line of sight of 480 feet would be needed across an off-site property located to the southeast. A hill with vegetation currently limits the existing line of sight to 330 feet. The Project is conditioned to provide adequate sight distance at the Covey Lane/West Lilac Road and the Mountain Ridge Road/Circle R Drive intersections, which would require an off-site easement (0.25 acre) for sight distance.

*Traffic Impacts*

A Traffic Impact Study (TIS) was prepared for the Project that analyzed its potential direct, cumulative, and Horizon Year (General Plan Buildout) traffic impacts. The TIS identified eight direct impacts to County and Caltrans roads, including Interstate 15 (I-15), Gopher Canyon Road, West Lilac Road, East Vista Way, Old Highway 395 and Circle R Drive. The TIS also identified cumulative impacts to roads within the County and Caltrans, including Gopher Canyon Road, Camino Del Rey, West Lilac Road, Vista Way, Old Highway 395, Pankey Road, and Cole Grade Road.

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Direct and cumulative impacts to County roads would be mitigated through physical road improvements. Cumulative impacts to Caltrans roads would be addressed by physical road improvements approved by Caltrans. However, traffic impacts to Caltrans facilities are identified in the EIR as significant and unavoidable because the improvements are located outside the County's jurisdiction and are not under the control of the County.

#### **ENVIRONMENTAL STATEMENT**

Denial of the Lilac Hills Ranch Project (Project) is not subject to environmental review under Section 21080(b)(5) of the California Environmental Quality Act (CEQA) and Section 15270 of the CEQA Guidelines because CEQA does not apply to projects that a public agency rejects or disapproves. Section 15042 of the CEQA Guidelines gives the County authority to disapprove a project to avoid one or more significant effects on the environment that would occur if the project were approved as proposed. No additional analysis, findings or recirculation are required under CEQA to deny the project.

If the Board does not support the recommendation for denial and refers the Project back for further analysis, the Environmental Impact Report (EIR) for the Project would need to be revised and recirculated for public review. Since the wildfire hazards section of the EIR was last circulated major local, regional, and statewide fire events have occurred. In addition, public interest in wildfire hazards impacts has since intensified and more has been learned about potential wildfire behavior that may impact the Project vicinity. Other significant new information relevant to the EIR's analysis of wildfire hazards has also been provided and includes multiple new measures and project changes to address these hazards. These changes will require recirculation of the EIR and a new public review period under CEQA.

#### **PREVIOUS ACTIONS**

N/A

Respectfully submitted,



SARAH E. AGHASSI  
Deputy Chief Administrative Officer

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**ATTACHMENT(S)**

*Note: Due to the size of the attachments, the documents are available online through the Clerk of the Board's website at [www.sandiegocounty.gov/content/sdc/cob/bosa.html](http://www.sandiegocounty.gov/content/sdc/cob/bosa.html).*

Attachment A	A Resolution of the San Diego County Board Of Supervisors Denying General Plan Amendment (GPA) PDS2012-3800-12-001, Zoning Reclassification PDS2012-3600-12-003, Specific Plan PDS2012-3810-12-001, Master Tentative Map PDS2012-3100-5571 (TM), Implementing Tentative Map PDS2012-3100-5572 (TM), Major Use Permit PDS2012-3300-12-005 (MUP), and Site Plan PDS2012-3500-12-018 (STP)
Attachment B	Public Documentation
Attachment C	Ownership Disclosure
Attachment D	Planning Commission Action Sheets
Attachment E	Planning Commission Hearing Reports
Attachment F	Planning Documentation

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**AGENDA ITEM INFORMATION SHEET**

**REQUIRES FOUR VOTES:**          Yes        No

**WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED**

   Yes        No

**PREVIOUS RELEVANT BOARD ACTIONS:**

N/A

**BOARD POLICIES APPLICABLE:**

I-84 – Project Facility Availability and Commitment for Public Sewer, Water, School, and Fire Services

J-33 – The Use of the Board of Supervisors Power of Eminent Domain on Behalf of Private Developers

**BOARD POLICY STATEMENTS:**

N/A

**MANDATORY COMPLIANCE:**

N/A

**ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION NUMBER(S):**

N/A

**ORIGINATING DEPARTMENT:** Planning & Development Services

**OTHER CONCURRENCE(S):**      County of San Diego Sheriff’s Department  
Department of Agriculture, Weights and Measures  
Department of Environmental Health  
Department of Parks and Recreation  
Department of Public Works  
San Diego County Fire Authority

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