Harmony Grove Village South

Final Environmental Impact Report

Volume III

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Reader Note: Volume III is wholly new and has been added to the FEIR post 2018 circulation based on the 2024 recirculation of Subchapter 2.7 and Attached Documents, comments received during recirculation public review, and responses authored to comments received.

8.5 Introduction to 2025 Revised FEIR Comments and Responses Received on the 2024 Recirculated Subchapter 2.7 and Attached Documents[1]

The Revised FEIR for the proposed Harmony Grove South Project (SCH #2015081071) was circulated for public review August 22, 2024, to October 7, 2024. As described in the Readers Guide to this document, that recirculation focused on technical revisions to the GHG analysis and supporting technical data, as well as providing a commitment to a Project affordable housing component. A total of 36 letters (some with substantive attachments) were received prior to close of public review.

This section of the FEIR presents copies of those comments on the Revised FEIR received in written form during the public review period, and the County of San Diego's responses to those comments. Additional letters received after the close of public review (and responses to them) are additionally provided on the County's Project website.

As stated in Subchapter 8.1 in Volume II, CEQA does not require the County to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. Rather, CEQA requires the County to provide a good faith, reasoned analysis supported by factual information.

The County's responses to comments on the Revised FEIR represent a good-faith, reasoned effort to address the environmental issues identified by the comments. Under the CEQA Guidelines, the County is not required to respond to all comments on an EIR, but only those comments that raise environmental issues. In accordance with CEQA Guidelines 15088 and 15204, the County has independently evaluated the comments and prepared the attached written responses on significant environmental issues raised. ***This has been done in the interests of clarity. No new significant effects have been identified, and response discussion simply reiterates/augments discussion in the 2018 FEIR for the readers' benefit.***

To fulfill these requirements, the County experts in planning and environmental sciences consulted with and independently reviewed analysis responding to the DEIR comments prepared by experts identified in the FEIR's list of preparers, each of whom has years of educational and field experience in specific categories of environmental sciences; is familiar with the Project and the environmental conditions in the vicinity of the Project; and is familiar with the federal, state and local rules and regulations (including CEQA) applicable to the Project site. Accordingly, the County staff's final analyses provided in these responses to comments are backed by substantial evidence, which was confirmed by the Court during CEQA challenge to the 2018 approved Project. The current letters received resurrect arguments previously made and addressed, with new

[1] This volume addresses comments received on the Revised FEIR circulated in 2024 as part of recirculated Subchapter 2.7 and Associated Documents. The reader is referred to FEIR Volume II, Subchapter 8.1 for information regarding comments and responses to EIR sections circulated prior to 2018 Project approval.

contentions failing to raise new issues. The County Counsel's Office has independently reviewed the expert-supported factual responses to the comments.

The focus of the responses is on significant environmental issues raised in the comments, as specified by Section 15088(c) of the (CEQA) Guidelines. Detailed responses are not provided to comments on the merits of the Proposed Project. When a comment is not directed to significant environmental issues, the responses indicate that the comment has been acknowledged and no further response is necessary.

The remainder of this chapter contains:

- List of Organizations and Individuals that Commented on the Revised FEIR
- Global Responses (responses that address multiple comments on the same topic, organized so that important elements relevant to the comments are provided in one place)
- Individual Comment Letters Received and Responses

8.6 Lists of Organizations and Individuals that Commented on the Revised FEIR (2024 Recirculated Subchapter 2.7 and Attached Documents)

No federal, state or regional/local agencies submitted comments on the Revised FEIR. Organizations/special interest groups, and individuals submitting comments on the FEIR for the Project are listed in the matrix below, organized by category and then by name. Late comments received after close of public review and responses provided to them are located on the County Project website.

Letter Designation	Organizations	Address
ReO1	Chatten-Brown Law Group on behalf of Sierra Club	325 W. Washington Street Suite 2193 San Diego, CA 92103
ReO2	Coast Law on behalf of Kevin Barnard, Jason and Kris Spurgeon, Phylis Strickland, and The Escondido Creek Conservancy (TECC)	1140 South Coast Highway 101 Encinitas, CA 92024
ReO3	Elfin Forest Harmony Grove Town Council (EFHGTC)	20223 Elfin Forest Road Elfin Forest, CA 92029
ReO4	TECC	P.O. Box 460791 Escondido, CA 92046
ReO5a	Douglas Dill on behalf of the San Dieguito Planning Group (SDG PG)	P.O Box 2789 Rancho Santa Fe, CA 92067

Letter Designation	Organizations	Address
ReO5b	Douglas Dill on behalf of SDGPG	P.O Box 2789 Rancho Santa Fe, CA 92067
ReO6a, b, c, d, e, f, g, h, i	Shute Mihaly &Weinberger on behalf of EFHGTC	396 Hayes Street San Francisco, CA 94102

Letter Designation	Individuals	Address
ReI1	David and Amita Bardwick	davidabardwick@gmail.com
ReI2	April Bevins-Cooper	aprilbevins14@gmail.com
ReI3	Ben and Chondra Brown	9weekwarrior@gmail.com
ReI4a, b	Chondra Brown	1chondra@gmail.com
ReI4c	Chondra Brown	chondahungeford@gmail.com
ReI5	Travis Cooper	3151 Mount Whitney Road Escondido, CA 92029
ReI6	Mary Cross	7150 Circa de Media Elfin Forest, CA 92029
ReI7	Jonathan Dummer	2966 Cordrey Drive Escondido, CA 92029
ReI8	Jean-Francois Erforth	7753 Camino Sereno Escondido, CA 92029
ReI9	David and Caroline Field	david@bitter-end.com
ReI10a, b, c, d, e, f, g	Victor Gonzalez	pvsuccess19@aol.com
ReI11	Vanessa Graham	vanna_noel@yahoo.com
ReI12a, b, c	Nancy Grubbs	battlemantlemama@protonmail.com
ReI13	Mid Hoppenrath	2640 Harmony Heights Road Harmony Grove, CA 92029
ReI14	Janean Huston	1023 Country Club Drive Escondido, CA 92029
ReI15	Vanessa James	vanessajames1946@icloud.com
ReI16a	Natasha Kay	9237 Harmony Grove Road Escondido, CA 92029
ReI16b	Natasha Kay	orangemoth13@gmail.com

ReI17	Andy Laderman	andyladerman@gmail.com
ReI18	Phyllis Laderman	pjladerman@cox.net
ReI19	Lael Montgomery and Jonathan Vic Montgomery	laelmontgomery@aol.com
ReI20	Eric Neubauer	eric.neubauer@sduhsd.net
ReI21	Debra J. O'Neill	2966 Cordrey Drive Escondido, CA 92029
ReI22	Timmie A. Pollock	equexcellence@aol.com
ReI23	Pat Powers	pat@vbclinics.com
ReI24	Troy Sauvageau	ontic1@yahoo.com
ReI25	Cheri Smith	peacefulangel2@outlook.com
ReI26	Leonard Therrien	2920 Starry Night Drive Escondido, CA 92029
ReI27	Leonard and Delphine Therrien	2920 Starry Night Drive Escondido, CA 92029
ReI28	Robyn Van Zyl	robynvanzyl@yahoo.com
ReI29	Brenda Wright	1012 Country Club Drive Escondido, CA 92029

8.7 Global Responses

A number of the comments received on the Revised FEIR addressed the same or similar issues and environmental concerns. Rather than repeat responses to recurring comments in each letter, the responses address multiple comments on the same topic, placing discussion of important elements relevant to the comments in one place. Four new "global" responses have been prepared for the 2025 FEIR that address the comments most frequently made on the GHG recirculation and are provided in the following order:

- Res Judicata and New Information
- Lack of Need to Recirculate the FEIR
- Reconsideration of General Plan Consistency Determination
- 2024 Fire / Evacuation

The first two globals address legal and CEQA principles regarding challenge to a project. The res judicata global explains when that a CEQA challenge is valid and when it does not provide new information and/or is not valid. The second global response provides rationale for why each discussion topic in the FEIR does not require additional recirculation now that Subchapter 2.7 has received 2024 circulation and an opportunity to comment on its analysis has been provided. The globals addressing General Plan consistency and fire safety expand upon 2018 globals on these same or similar issues based on specific comments provided in 2024 and 2025. Although they are not topics addressed in the recirculation, the County is providing these additional clarifying global

responses in the interests of transparency and reader ease rather than searching through individual responses. As stated above, comments addressed in global and individual responses were substantively reviewed, but did not result in any change to CEQA conclusions presented in the 2018 FEIR following Court of Appeal review and recirculation of FEIR Section 2.7 in compliance with Court conclusions.

8.7.1 Res Judicata and New Information

8.7.1.2 *Res Judicata and CEQA Overview*

This response addresses comments received as a part of the recirculation of Subchapter 2.7 of the 2018 FEIR and the 2024 Global Climate Change Report prepared by Ldn Consulting, Inc. (2024 Recirculated Subchapter 2.7 and Attachments). The Project has a long legal history that has culminated in recirculating the portion of the 2018 FEIR that was found non-compliant with CEQA and has now been corrected by the 2024 Recirculated Subchapter 2.7 and Attachments. As a lead agency, the County has the discretion to undertake analysis or provide additional material even when it is not legally required to do so. In fact, in this instance, even though the overall 2018 FEIR GHG analysis was found adequate, the County exercised its discretion to update the original information in 2018 FEIR, Subchapter 2.7 and has been recirculated in the interests of public disclosure as described in the 2024 Section 2.7 and Attached Documents recirculation. The County exercised its discretion to also provide additional updated information in the form of the 2024 Global Climate Change Report and the analysis prepared by Intersecting Metrics, even though it is not expressly required by the California Court of Appeal's decision to provide these additional items (see Section 8.7.1.3, *Res Judicata*, below.)

There are well-established principles for determining whether, for CEQA purposes, new information is sufficiently "significant" to require further analysis or public review. Those standards govern when an agency must recirculate a Draft EIR for further public review and comment (CEQA Guidelines Section 15088.5) or whether an agency must perform a supplemental review to augment the analysis in an existing EIR utilizing the rationale of California Public Resources Code (PRC) Section 21166, and CEQA Guidelines Section 15162. The same principles that apply to these CEQA remedies are also relevant for determining whether new facts are significant enough that res judicata would not apply here.

Previous Litigation

The County Board of Supervisors (Board) approved entitlements for the Project and certified the Project's FEIR (2018 FEIR) on July 25, 2018. After several years of litigation, the California Court of Appeal, Fourth Appellate District, Division One (Appellate Court in its Appellate Decision)[2] found that the 2018 FEIR complied with CEQA except for one environmental issue related to its GHG mitigation measure.[3]

[2] Elfin Forest Harmony Grove Town Council et al. v. County of San Diego and RCS, 37-2018-00042927, Court of Appeal, Fourth Appellate District (Division One), filed October 14, 2021.

[3] The Entitlements were also determined to be consistent with the County's General Plan except for providing an affordable housing component. (See Global Response: Reconsideration of General Plan Consistency Determination.)

The matter was sent back to the Trial Court to issue a revised writ of mandate based on the Appellate Decision. On October 19, 2022, the Trial Court issued a revised order (Revised Order) requiring the County to rescind the Project's entitlements and the 2018 FEIR because of the remaining issue related to CEQA (the GHG mitigation measure) and the affordable housing issue pertaining to the General Plan. On December 14, 2022, the Board adopted a resolution to comply with the lower Court's Revised Order.

The following matrix summarizes the various topics involving the 2018 FEIR resolved by the litigation described above. Where text is bolded, it indicates emphasis added, similar to the bullet points below. The phrases under the heading "Conclusion" mean the following:

- "Resolved" indicates that the topical issue was raised in the CEQA challenge and at the conclusion of the litigation was **determined compliant with CEQA**
- "Not Contested" means that **no CEQA issue** was raised on that topic during CEQA challenge
- "Invalidated" means that the specific issue was found **non-compliant with CEQA** by the Court (subsequently addressed by the County in the 2024 recirculation).

2018 FEIR TOPICS	CONCLUSION
Alternatives	**Resolved -** 2018 FEIR Found Adequate by Superior Court (SC) SC rejected petitioners' arguments regarding the 2018 FEIR's discussion of alternatives. **Not appealed**
Aesthetics	Not Contested
Agricultural Resources	Not Contested
Air Quality	**Resolved -** 2018 FEIR Found Adequate by Appellate Court (AC; in Appellate Decision; AD) AD, p. 3**:** "[T]he EIR properly evaluated the Project's impact on air quality…". *Also,* AD, p. 60 "Respondents did not challenge those air quality impact findings by a cross-appeal." *Also,* AD, p. 61 "[T]he EIR adequately discussed the Project's inconsistency with the RAQS."
Biological Resources	Not Contested
Cultural Resources	Not Contested
Energy	Not Contested
Geology/Soils	Not Contested
Greenhouse Gas (GHG) Analysis (including approach and traffic generation information [average daily trips, VMT, and associated roadway effects])	**Resolved** - 2018 FEIR Found Adequate by SC 2018 FEIR **"adequately considered the cumulative effect of GHG emissions."** (SC Judgment July 21, 2020)
GHG Mitigation	**Invalidated**
Growth Inducement	Not Contested
Hazards & Hazardous Materials (in general)	Not Contested
Hazards & Hazardous Materials (fire safety)	**Resolved** - 2018 FEIR Found Adequate by AC AD, p. 40: ***We conclude the EIR contains a CEQA-compliant discussion of the potential wildland fire risks or exacerbation caused by the Project and the fire risks in the Project's vicinity,***

2018 FEIR TOPICS	CONCLUSION
	and that substantial evidence supports its conclusion that the Project measures would reduce them to a level of insignificance. (Also, AD, p. 51"**We conclude the EIR's discussion of evacuation routes and timing satisfies CEQA requirements**."
Hydrology/Water Quality	Not Contested
Land Use/Planning/Regional Plans	**Resolved** - 2018 FEIR Found Adequate by AC AD, p. 66: [*W]e must conclude the Project is consistent: the EIR evaluated the associated land uses; reflects County's effort to move future development closer to cities, shopping and employment centers;* ***shows the Project is consistent with vehicle mileage projections;*** *and encourages local walking in keeping with the plan*.
Mineral Resources	Not Contested
Noise	Not Contested
Paleontological Resources	Not Contested
Population/Housing	Not Contested
Public Services	Not Contested
Recreation	Not Contested
Transportation/Traffic (including VMT/trip length and consistency discussion)	Not Contested
Utilities/Public Services	Not Contested
Mandatory Findings of Significance	Not Contested

As stated in the matrix above, the 2018 FEIR was found to have "adequately considered the cumulative effect of GHG emissions."[4] The following elements of the 2018 FEIR analyses are included in this assessment:

- GHG analysis (including approach and traffic generation information (average daily trips, vehicle miles traveled [VMT], and associated roadway effects)
- A three-year construction period, with duration of specific construction efforts and specified associated construction equipment
- Sequestration effects during construction and subsequent landscaping
- CEQA thresholds of significance (net zero GHG emissions taking into consideration GHG reduction measures)

Because courts are required to address each of the grounds of noncompliance with CEQA specifically, the Revised Order described above means that the Project FEIR was found adequate in all respects except for the one issue – the GHG mitigation measure – determined by the Appellate Court as being noncompliant with CEQA (PRC Section 21005[c], [directing the court to address each alleged ground of non-compliance).

[4] Judgment dated July 21, 2020; Minute Order dated February 20, 2020, section 1.a.

Scope of the Project

The Project design and development footprint have not changed from what was previously analyzed in the 2018 FEIR. The proposed land use categories, densities, product type, height assumptions, landscaping, and total number of housing units, remain the same. In other words, it is the same project. Nor does the addition of an affordable housing component to the Project result in a physical environmental impact.

Although the Project has added an affordable housing component, it will not require any change to the Project or physically impact the environment. Home prices or the socioeconomic status of its residents are not related to physical impacts that require CEQA analysis. Under CEQA, a project's economic and social effects are not treated as effects on the environment (14 California Code of Regulations [CCR] Section CEQA Guidelines Section 15131[a]). Instead, effects analyzed under CEQA must be related to a physical change (CEQA Guidelines Section 15358[b]).[5]

As described in the 2018 FEIR, all cumulative impacts associated with Project emissions must be mitigated to net zero through on-site reductions and implementation of the Project's previous mitigation measures. The cumulative GHG emission impacts would be the same because the Project again proposes mitigating to net zero. Therefore, the conclusions and findings of the 2018 FEIR would not change. Nor would the revised mitigation measure result in any significant new impacts or increase the severity of any previously identified CEQA impacts.

Rather than attaining net zero through credit purchase as proposed in the 2018 FEIR, the revised mitigation measure requires installing the photovoltaic (PV) system on an existing commercial/industrial building(s) within the County. The proposed mitigation measure also requires the installation of the PV system to qualify for a CEQA exemption, such as for a ministerial action under the County Zoning Code, Section 6954: Solar Energy System, or PRC Section 21080.35. As a result, implementation of the newly revised GHG mitigation measure would not: (1) result in any new CEQA significant impacts; (2) increase the severity of any previously identified CEQA significant impact; or (3) affect commitments to implement GHG-related design features. See also specific discussion by each FEIR topical area in Global Response: Lack of Need for Recirculation, Table 8.7.2-1.

The CEQA exemption referenced in PRC Section 21080.35 establishes an exemption for solar energy projects located either on the roof of an existing building or on an existing parking lot provided no impacts to waterways, wetlands, or endangered species would trigger permits under federal or California laws. Because the PV installation would occur on an existing building located

[5] See also County of Butte v. Department of Water Resources (2023) 90 CA5th 147, 174-176 [rejecting a claim that the EIR was required to quantitatively assess the costs that Butte County might incur to accommodate the project's environmental impacts, such as the costs from increased demand for police services]; City of Hayward v. Board of Trustees of Cal. State Univ. (2015) 242 CA4th 833, 843 [need for additional fire protection services that project would generate is not an environmental impact that must be mitigated under CEQA]; Saltonstall v. City of Sacramento (2015) 234 CA4th 549, 585 [allegations that proposed basketball stadium would result in post-event impacts to safety by event crowds raised social issue rather than environmental issue that must be reviewed under CEQA]; Goleta Union Sch. Dist. v. Regents of Univ. of Cal. (1995) 37 CA4th 1025 [classroom overcrowding, in itself, is not an environmental impact]; Preserve Poway v. City of Poway (2016) 245 CA4th 560 [change in "community character" due to new use of site is social and psychological impact, not an impact on physical environment].)

on an existing impervious surface, associated drainage improvements would already exist for the building. Again, because the proposed PV system is required to be installed on an existing structure, it would not result in an impact on stream courses or water resources, nor would take permits be required for species protected under Sections 401 or 404 of the federal Clean Water Act (33 USC Sec. 1341 or 1344), federal Endangered Species Act of 1973 (16 USC Sec. 1531 et seq.) or the California Endangered Species Act (Chapter 1.5 [commencing with Section 2050] of Division 3 of the Fish and Game Code). Nor is it expected that any trees would be removed. Finally, the Project proposes installing PV panels at a location already on the electrical grid—so no modified transmission, distribution, or connection facilities would be required. Consistent with PRC 21080.35, the Project mitigation would be exempt from further CEQA analysis.[6]

Should PRC 21080.35 not apply, the PV system must qualify for another CEQA exemption, ensuring no further environmental consideration is required. (Solar installations on existing structures may also qualify for a categorical exemption under CEQA, as either additions to existing structures, construction of small structures, or accessory structures, depending on the nature of the installation.) The County will review the Project's compliance with this mitigation measure before issuing the first grading permit for the Project; ensuring that this provision is implemented.

8.7.1.2 *Recirculation and Other Remedies for Fixing an EIR*

Several comments have been received that assert an EIR must be prepared "anew." Some comments assert that the entire EIR must be recirculated, under CEQA Guidelines Section 15088.5, because significant new information is now available that triggers the need for new environmental review. Other commenters have stated that significant new information is now available that triggers the preparation of an environmental document like a subsequent EIR. The comments are based on the premise that years have passed since the preparation of the 2018 FEIR or that there have been significant changes to the initial circumstances of the Project, so a new EIR is required. Finally, some comments incorrectly assert that the Appellate Court in a related but separate case ("*Sierra Club* case")[7] directed the County to prepare a new EIR for HGV South.

In the *Sierra Club* case, the Sierra Club filed a petition for a writ of mandate challenging the County's approval of HGV South and two other development projects (commonly known as "Valiano" and "Otay") and requested that the related CEQA documents be decertified focused solely on the projects' GHG mitigation measures. The Superior Court granted Sierra Club's petition, concluding that mitigation measure M-GHG-1 violated CEQA and was inconsistent with the General Plan because it proposed purchasing carbon offsets originating outside of the County.[8] The various parties appealed, and the Appellate Court consolidated the appeals under D077548. Valiano requested that the Appellate Court reverse the Superior Court's order and direct it to: (1) vacate its order requiring the County to vacate the Project entitlements; and (2) revise the relief

[6] To be conservative the 2024 Recirculated Subchapter 2.7 and Attachments included a brief discussion of the anticipated one-month construction period for the off-site mitigation measure using an anticipated crew of nine workers, which would result in a minimal (0.16 MT CO2e per year) change to total emissions already disclosed for the Project and would not change the significance determination.

[7] Sierra Club v. County of San Diego (December 21, 2021) (case No. 37-2018-00043084-CU-TT-CTL).

[8] After the Superior Court entered judgment, the Appellate Court decided in Golden Door II that purchasing carbon offsets originating outside of the County does not violate CEQA so long as specific performance standards are met. Golden Door Properties, LLC v. County of San Diego (2020) 50 Cal.App.5th 467 (Golden Door II).

granted to require, at most, that the County simply modify M-GHG-1 by way of an addendum to the EIR to include performance criteria for out-of-County offsets in compliance with CEQA. However, the Appellate Court refused to provide an order that would dictate the type of mitigation measure that would be required. Instead, the Appellate Court left it to the County to reexamine the type of mitigation measure needed, whether additional alternatives were feasible or must be analyzed, or if a new mitigation measure might also require revisions to the other sections of the EIR. It is important to note that Valiano's request to fix its GHG measure relied on the County's CAP, which was being challenged at the time so the future of the CAP was unknown. The Appellate Court reasoned that if offsets became unavailable because of the outcome of the CAP litigation, the project would likely require modifications to other areas of the EIR.[9] Finally, the *Sierra Club* case only addressed the issue of severance as related to Valiano's request. It is worth noting that Sierra Club settled with the developers for the Otay and Valiano projects. The County has since approved the Valiano project.

Therefore, the comments that the *Sierra Club* case dictated that a new EIR be prepared for the HGV South project are incorrect. Rather, the County followed the *Sierra Club* case by reexamining the type of mitigation measure that would be required, whether additional alternatives were feasible or must be analyzed, and whether the new mitigation measure would also require revisions to the other sections of the 2018 FEIR.

Relative to HGV South, the County methodically examined the 2018 FEIR and evaluated the correction required to conform to the Appellate Decision to determine whether it would result in new or substantially more severe impacts than were disclosed in the 2018 FEIR. The table found in the Reader's Guide and the analysis in this global response demonstrate the County's review of the environmental analyses provided in the 2018 FEIR and its determination that PRC Section 21092.1 and CEQA Guidelines Section 15088.5 did not apply here. The County determined that the changes fall within the scope of the initial environmental review of the 2018 FEIR, and a thorough assessment has confirmed that no new significant environmental effects are anticipated due to these modifications, aligning with CEQA guidelines. Indeed, the form used to correct an EIR is a matter for the local agency to determine on its own based on CEQA and any instructions by the court as may be applicable (Protect the Historic Amador Waterways v. Amador Water Agency [2004] 116 Cal.App.4th 1099.)

The County also methodically examined whether the correction to the GHG mitigation measures would result in the need for new feasible project alternatives that would lessen the Project's environmental impacts. The County does not find additional alternatives needed because the new mitigation measure retains the same goal of attaining net zero GHG emissions after implementing the proposed mitigation measure and Project design features (PDFs). Also, implementation of the measure would not:

1. result in any new significant impacts;
2. increase the severity of any previously identified significant impact; or
3. affect commitments to implement GHG-related design features.

[9] Sup. Ct. No. 37-2018- 00043084-CU-TT- CTL (12-21-21) at 37.

Nor would the proposed mitigation measure result in any new impacts because it requires the installation of solar panels on an existing building(s) that fall within the requirements of the exemption provided by CEQA. This is ensured because the mitigation measure is required to conform to the requirements of such an exemption from CEQA.

In any event, when a court has directed an agency to set aside certification of a final EIR, it does not alter the fact that the sufficiency of a component of the EIR has been litigated and resolved. (Ione Valley Land, Air & Water Defense Alliance, LLC v. County of Amador [2019] 33 Cal.App.5th 165, 172.) Finally, contrary to comments stating that a new EIR is required for the Project because of the document's age, the age of the original environmental document is irrelevant if subsequent events do not trigger the need for further environmental review. (Snarled Traffic Obstructs Progress v. City & County of San Francisco [1999] 74 CA4th 793.)

Several comments incorrectly assert that the County dismisses these claims based solely on res judicata. But as described below, the new information or changed circumstances alleged by the commenters do not trigger recirculation under CEQA Guidelines Section 15088.5 or the preparation of a subsequent EIR.

Recirculation

As explained above, the Project amended and recirculated the portion of the 2018 FEIR that the Court found non-compliant with CEQA, e.g. the Project's GHG mitigation measure. The County also conservatively amended and recirculated Subchapter 2.7 to include additional analysis and provide updated materials even though the GHG analysis was found adequate by the Court. The recirculated text in Subchapter 2.7 focuses on general background information, including the Project's location, updates to legislation/regulation and methodology data as appropriate, updates to PDFs as appropriate, or added PDFs as now proposed. A new Global Climate Change Report by Ldn Consulting, Inc. and an updated ConSol evaluation were also included. An Infill Analysis Memorandum was also circulated for informational purposes as an attachment to the Recirculation Readers Guide, and appendix to recirculated Subchapter 2.7, to determine if the Project also met the County's "Infill" requirements, as outlined in Section 3.3.1 of the 2022 TSG. The remaining 2018 EIR need not be recirculated, having been through the CEQA process and having withstood legal challenge. Whether an EIR requires recirculation, in whole or in part, is for that agency to decide in the first instance based on the legal standards that govern recirculation of an EIR (Protect the Historic Amador Waterways, 116 Cal.App.4th at 1112).

The County did not merely "dismiss" recirculation of the 2018 FEIR because of res judicata. The County examined the proposed corrections to the 2018 FEIR to determine whether it would result in new or substantially more severe impacts than were disclosed in the 2018 FEIR. Table 8.7.2-1 in Global Response: Lack of Need for Recirculation, and the analysis in this global response, demonstrate the County's review of the environmental analyses provided in the 2018 FEIR and its determination that no further examination was required under PRC Section 21092.1 and CEQA Guidelines Section 15088.5. The County relied on its technical expertise, and information that includes the previous record, expert memos, technical reports, and the information provided in the response to comments for its conclusion that recirculation of the full 2018 FEIR is not required.

Recirculation is not required simply because new information is added, or where "the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR" (CEQA Guidelines Section 15088.5[b]). This is consistent with CEQA environmental practice: new information is often added to Final EIRs through CEQA's public review and comment and response process, as well as CEQA's post-Draft EIR requirement that proposed responses to public agency comments be circulated to those agencies. Where the scope of revisions is limited to specific chapters or portions of the EIR, a lead agency needs only to recirculate the chapters or portions that have been modified. (Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova [2007] 40 Cal.4th 412, 449.)

Concerning HGV South, the only remaining CEQA issue with the 2018 FEIR was related to the Project's GHG mitigation measure and the ability of the PDS Director to make decisions without a cited rigorous standard. There was no guarantee that mitigation would occur within the County, and there were questions regarding credit registry legitimacy. The proposed mitigation measure retains the same goal of attaining net zero GHG emissions after implementing the proposed mitigation measure and PDFs. Rather than achieving net zero through purchasing GHG credits as proposed in the 2018 FEIR, however, the Project would mitigate GHG impacts by installing off-site PV panels within the County. Implementation standards provide additional rigor and clarity. Implementation of the measure would not: (1) result in any new significant impacts; (2) increase the severity of any previously identified significant impact; or (3) affect commitments to implement GHG-related design features.

The physical setting of the Project and its immediate surroundings has not meaningfully changed from conditions presented in the 2018 FEIR's baseline discussion. As stated above, the Project design and development footprint have not changed from what was previously analyzed in the 2018 FEIR. The proposed land use categories, densities, product type, height assumptions, landscaping, and total number of housing units, remain the same. In other words, it is the same project. Nor does the addition of an affordable housing component to the Project result in a physical impact on the environment.

The County also carefully considered the new information and changed circumstances raised by the commenters based on the County's expertise to determine whether CEQA would require recirculation of the Project's EIR. CEQA requires recirculation of an EIR, in whole or in part, when significant new information is added to the final EIR before its recirculation (PRC Section 21092.1; CEQA Guidelines Section 15088.5). As used in Section 15088.5, the term "information" can include changes in the project or environmental setting and additional data or other information. However, new information is not significant unless: (1) the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project; or (2) there is a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement (CEQA Guidelines Section 15088.5[a]).

Examples of what is considered "significant" new information provided by the CEQA Guidelines include showing that a "new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented," that a "substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted to reduce the impact to a level of insignificance," or that a "feasible project alternative or mitigation measure

considerably different from others previously analyzed would lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it" (CEQA Guidelines Section 15088.5[a][1]-[3]).

The response to comments provides evidence of the examination of the "new information" or "change in circumstance" raised by the comments and demonstrates that the criteria for recirculation were not met. The County relies on its technical expertise, and information that includes the previous record, expert memos, technical reports, and the response to comments that include the sources noted in the preceding paragraph, for its conclusions that recirculation is not required and its determination as stated above, that **the changes fall within the scope of the initial environmental review of the 2018 FEIR**. Whether an initial environmental document remains relevant despite changed plans or circumstances is a predominantly factual question for agencies to answer by drawing on their particular expertise. As opined by the California Supreme Court in *Friends of the College of San Mateo Gardens*, a court's responsibility on review is only to decide whether the agency's determination is supported by substantial evidence. (California Supreme Court in Friends of the College of San Mateo Gardens v. San Mateo County Community College [2016] 1 C5th 937.)

Other Remedies Under CEQA

Some commenters compare the standards that require a subsequent or supplemental EIR to the current circumstance, even though these documents are prepared when the following factors are present: (1) an EIR has been certified; (2) post activities require further environmental review; and

(3) changed circumstance or new information becomes available which was not known and could not have been known when the original EIR was certified[10][11] (PRC Section 21166). Because the Project's EIR has not been certified at this point, a subsequent or supplemental EIR is not an appropriate mechanism to cure the remaining defect of the Project's EIR.

The following considers the standards described in PRC Section 21166 concerning the new information and changed circumstances raised in the comments and is also instructive for determining whether recirculation would be triggered. Historically, the courts have relied on PRC Section 21166 and its implementing guidelines for guidance to interpret the meaning of "significant," "new information," and "substantial," to determine whether recirculation is required. (Laurel Heights Improvement Assn. v. Regents of University of California [1993] 6 Cal.4th 1112, 1125. See also Sutter Sensible Planning, Inc. v. Board of Supervisors [1981] 122 Cal.App.3d 813.)

[10] If any of the conditions requiring a subsequent EIR are found, but only minor additions or changes are necessary to make the original EIR adequate, the agency may prepare a supplement to the EIR (PRC Section21166. CEQA Guidelines Section 15163[a]). Although the CEQA Guidelines do not define when a "minor addition or change" to the original EIR is needed, they do explain that a supplement to an EIR need only contain the information necessary to make the previous EIR adequate for the project as revised. See CEQA Guidelines Section 15163(b).

[11] A subsequent EIR is required to be prepared if one or more of the following occurs: (a) substantial changes are proposed in the project which will require major revisions of the environmental impact report; (b) substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report; (c) new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available. (PRC Section 21166; see also CEQA Guidelines Section 15162.)

Project Changes

A change in the project itself is not enough. As explained in CEQA Guidelines Section 15162(a)(1), for a project change to trigger a subsequent or supplemental EIR, the change must be substantial and must result in a new significant environmental impact or increase in severity of previously identified impacts. Simply put, the Project has not changed. As explained above, the Project design and development footprint have not changed from what was previously analyzed in the 2018 FEIR. The proposed land use categories, including densities, product type, height assumptions, landscaping, and total number of housing units, remain the same. Nor does the addition of an affordable housing component to the Project result in a physical impact on the environment. In other words, ***it is the same project.***

Changed Circumstances

Contrary to many of the assertions made by the commenters, the relevant question is not the nature, scope, or extent of the changed circumstances but if the changed circumstances will lead to new significant project impacts not previously considered. As explained in CEQA Guidelines Section15162(a)(2), a subsequent or supplemental EIR will be required if substantial changes in the circumstances under which a project is undertaken will require "major revisions" in the previous EIR because of "new significant environmental effects or a substantial increase in the severity of previously identified significant effects." (Federation of Hillside & Canyon Assns. v. City of Los Angeles [2004] 126 Cal.App.4th 1180, 1200 [petitioners must show that the changed circumstances compel the conclusion that the significant environmental effects will be different or more severe].)

The commenters have not explained how the "changed circumstances" described in their comments show that the Project's significant environmental effects will be different or more severe than those analyzed in the 2018 FEIR. For example, the underlying wildfire risks associated with HGV South were thoroughly analyzed in the 2018 FEIR. The Project's overall impact related to fire, even factoring in the "changed circumstances" referenced by the commenters, would be essentially the same as projected in the 2018 FEIR. (See Bowman v. City of Petaluma [1986] 185 CA3d 1065 [changes in a project's street configuration were not substantial, because that project's overall impact, including the changed circumstances, was essentially the same as had been projected in the EIR].)

New Information

New information requiring a subsequent EIR under PRC Section 21166(c) applies only to new information that was not known and could not have been known "with the exercise of reasonable diligence" when the prior environmental review was completed. The new information must also be of "substantial importance." Finally, per CEQA Guidelines Section 15162(a)(3), the new information must show any of the following:

- The project will have significant effects not evaluated in the prior EIR or negative declaration
- Significant effects previously examined will be substantially more severe than shown in the prior EIR

- Mitigation measures or alternatives found infeasible are in fact feasible and would substantially reduce significant effects of the project, but the project proponents decline to adopt them
- Mitigation measures or alternatives considerably different from those analyzed in the EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt them

Several commenters contend that one of the reasons a new EIR is required for the Project is the result of the County adopting the 2022 Transportation Study Guidelines (2018 TSG) that now require VMT analysis. The courts have consistently determined that new legal regulations, such as adopting new guidelines, do not constitute significant new information that would trigger further environmental review under PRC 21166. (Olen Properties Corp v. City of Newport Beach [2023] 93 CA5th 270, 280-281; Concerned Dublin Citizens v. City of Dublin [2013] 214 CA4th 1301, 1320; Fort Mojave Indian Tribe v. Department of Health Servs. [1995] 38 CA4th 1574, 1605.)

In *Olen Properties Corp,* the court held the change in the CEQA Guidelines from level of service to VMT was not significant new information because the underlying issue was known when preparing the original EIR in 2006. The court explained that CEQA Guidelines Section 15064.3 (the section requiring use of VMT to analyze traffic impacts) operates "prospectively" and subsequent changes to these guidelines are not "new information" triggering a subsequent EIR. Otherwise, the court reasoned, any changes to the CEQA Guidelines would trigger the preparation of an EIR for every project.

Similarly, in *Concerned Dublin Citizens*, the court held that the adoption of new guidelines for the evaluation of GHG emissions was not significant new information requiring further CEQA review because information about the potential effects of GHG emissions was known and could have been addressed in connection with the certification of the original EIR. The court went on to explain that the environmental impacts of a project would be the same regardless of the newly adopted threshold. Therefore, additional or supplemental review under PRC Section 21166 is not required (Concerned Dublin Citizens v. City of Dublin, 214 Cal.App.4th at 1319.) In *Fort Mojave Indian Tribe*, a new regulation designating critical habitat for an endangered species was not significant new information requiring further CEQA review because the issue of impacts to the species had been addressed in the original EIR.

Likewise, recirculation is not required simply because the significance thresholds are subsequently revised, such as for wildfire or VMT, so long as the related impacts of the project were considered in the initial EIR. Here, the underlying issues concerning wildfire and VMT were already known when the 2018 FEIR was prepared, and these issues were adequately analyzed. The 2018 FEIR (including the FPP) would still substantially satisfy the County's CEQA *Wildfire and Fire Protection Guidelines* (Updated FPP Guidelines). Nor would any of the FPP's conclusions be materially altered. The County has determined that the changes fall within the scope of the initial environmental review of the 2018 FEIR, and a thorough assessment has confirmed that no new significant environmental effects are anticipated due to these modifications, aligning with CEQA guidelines. Refer to Global Response: 2024 Fire / Evacuation for a detailed discussion regarding CEQA Guidelines Appendix G: Wildfires.

8.7.1.3 *Res Judicata*

The principle that a party cannot revisit issues that have already been determined is often referred to as "res judicata," a Latin term meaning "a matter judged." Under this principle, once a court decides a particular issue or finding of fact in a final ruling, that issue or fact is considered settled, and parties are generally precluded from relitigating the same issue or fact. Res judicata is founded on the principle that providing a party an opportunity to litigate a claim is fair and appropriate. However, once a court reaches a final decision on that claim, the matter is considered settled and further attempts to litigate that claim are prohibited. Allowing such claims to be relitigated would impose significant burdens on parties and the courts, could lead to inconsistent rulings or judgments that create confusion and inefficiency, and would be unfair to the party that has already obtained a final ruling in its favor.

The Doctrine of "Res Judicata" Applies to Comments that Involve Issues that were Either Previously Litigated and/or Never Contested but *Could* Have Been in Prior Litigation

The Project's new GHG mitigation measure corrects the portion of the 2018 FEIR found non-compliant under CEQA and would allow the Board to reconsider the Project. Even though the overall 2018 FEIR GHG analysis was found adequate, the County exercised its discretion to update the original information in 2018 FEIR, Subchapter 2.7. As described above, this information has been recirculated in the interests of public disclosure. All other issues have been fully resolved and cannot be relitigated because res judicata bars these matters from further litigation. Therefore, comments received on topics unrelated to the new GHG Mitigation Measure and that analysis that form the basis for such measures, are outside the scope of recirculation. Many of these comments involve matters that were either previously litigated and/or never contested but could have been in previous litigation and are, therefore, precluded from further discussion because of res judicata. Examples of issues raised by commenters that the courts have previously resolved include:

> Hazards: "We conclude the EIR contains a CEQA-compliant discussion of the potential wildland fire risks or exacerbation caused by the Project and the fire risks in the Project's vicinity" (Appellate Decision, page 3), and
>
> VMT: "[W]e must conclude the Project is consistent: the EIR evaluated the associated land uses; reflects County's effort to move future development closer to cities, shopping and employment centers; shows the Project is consistent with vehicle mileage projections; and encourages local walking in keeping with the plan" (Appellate Decision, page 66).

The doctrine of res judicata bars relitigating a cause of action previously adjudicated in another proceeding between the same parties or parties in privity with them. Res judicata applies if the decision in the prior proceeding is final, on the merits, and the present challenge is on the same cause of action as the previous proceeding. Finally, res judicata bars the litigation of issues that were actually litigated or could have been litigated. (Citizens for Open Government v. City of Lodi [2012] 205 Cal.App.4th 296, 324-325; see also Planning & Conservation League v. Castaic Lake Water Agency [2009]180 Cal.App.4th 210, 229.)

Res judicata is based on the principle that once a court reaches a final decision on a claim, the matter is settled and further attempts to litigate the same claim should be prohibited. As noted above, allowing such claims to be relitigated would impose significant burdens on parties and the courts, could lead to inconsistent rulings or judgments that create confusion and inefficiency, and would be unfair to the party that has already obtained a final ruling in its favor. Res judicata maintains the integrity and predictability of the legal system and encourages parties to bring all their claims and arguments into a single proceeding, knowing that they will not have another opportunity to litigate the same issues. (7 Witkin, Cal. Procedure [5th ed. 2008] Judgment, Section 370, 994. Federation of Hillside & Canyon Assns. v. City of Los Angeles, 126 Cal.App.4th at 1180, 1205.) The following sums up the public policy for res judicata: "The rule is based upon the sound public policy of limiting litigation by preventing a party who has had one fair trial on an issue [or cause of action] from again drawing it into controversy." (Bernhard v. Bank of America [1942] 19 Cal.2d 807, 811.)

A Cause of Action is Considered the Same Cause of Action if the Same Primary Right is at Stake

The same primary right is at stake, even if there are: (1) different theories of recovery, (2) different forms of relief sought, or (3) new facts supporting recovery. In the context of CEQA, generally, the "primary right" involves compliance with CEQA's substantive and procedural requirements (Federation Hillside & Canyon Assns. v. City, of Los Angeles, 126 Cal.App.4th at 1202, 1204, fn. 6; see also Atwell v. City of Rohnert Park [2018] 27 Cal.App.5th 692, 699.) Thus, in this context, when the commenters raise issues about the 2018 FEIR (except for the GHG mitigation measure) involving the same cause of action that has already been litigated, their claim is based on the same statutory right to an adequate EIR regarding that issue.

Finally, the time to appeal the Revised Order and the Appellate Decision has expired. The Revised Order complied with the Appellate Decision, and the Appellate Decision considered the merits of the challenges to the 2018 FEIR under CEQA. All of the claims – those that were litigated and those that could have been litigated but were not, have been resolved and are final. (See Ione Valley Land, Air & Water Defense Alliance, LLC v. County of Amador, 33 Cal.App.5th 171; Citizens for Open Government v. City of Lodi, 205 Cal.App.4th at 324-327.)

Even if Commenters were not Affiliated with Prior Litigants, they are Bound by the Previous Decision

In res judicata, privity refers to a mutual relationship in which one person's interests are identified with another and represent the same legal rights. When a party represents the interests of the general public, privity with another organization or persons pursuing a similar action is created if the previous litigation displayed a level of care regarding the public's interest. (Planning & Conservation League v. Castaic Lake Water Agency, 180 Cal.App.4th at 227-228.)

The actual relationship between the parties is not the key question, but rather, the entity's relationship to the subject matter of the litigation. For instance, even if the commenters are unaffiliated with the Sierra Club or the Town Council, did not coordinate with or collaborate with them, or did not participate in the prior suit, they should still reasonably be expected to be bound by the previous decision. In other words, the commenters are alleging, as members of the public, the same potential harm that the prior litigants alleged.

The record of the prior litigation involving the Project's FEIR shows that the petitioners (Elfin Forest Harmony Grove Town Council, Endangered Habitats League, and Cleveland National Forest Foundation) pursued the litigation on behalf of the members of the public who opposed the Project. The record shows that the petitioners have made multiple statements indicating their representation of the public as stated in the Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief (Petition, Aug 24, 2018, paragraph 9, line 25): "The maintenance and prosecution of this action will confer a substantial benefit on the public by protecting the public from environmental and other harms alleged herein." *Most importantly, however, in this case, most of the comments received are from the original parties to the lawsuit, e.g., the petitioners.*

Otherwise, CEQA compliance would be subject to continuing challenges by different parties that assert similar claims, contrary to the goal of avoiding delay and achieving prompt resolution of CEQA claims. "Litigation of CEQA claims against a defendant on behalf of the public is generally sufficient to support a finding of common interest to establish privity," even where the parties assert different causes of action (Central Delta Water Agency v. Department of Water Resources [2021] 69 Cal.App.5th 170, 209).

Res Judicata is Applied Even if an Agency rescinds Approval of the Project and Decertifies the Entire EIR

The decertification of the entire EIR does not alter the fact that the EIR was litigated, and all issues were resolved. Res judicata is applied even if an agency rescinds approval of a project and decertifies the entire EIR. (Citizens for Open Government v. City of Lodi 205 Cal.App.4th at 302 [the court applied res judicata even though the city rescinded approval of the project and decertified the prior EIR].) (See also Ione Valley Land, Air & Water Defense Alliance v. County of Amador [2019] 33 Cal.App.5th 165, 172 [whether the EIR has been decertified does not alter the fact that the sufficiency of a component of the EIR has been litigated and resolved].)

Res Judicata Applies to the CEQA Process

Some commenters contend that res judicata applies only to litigation, not the CEQA process. The courts, however, have consistently determined otherwise. In *Ione Valley*, a trial court decision ordered the agency to "vacate certification of the EIR" and "vacate approval of the Project." However, the Appellate Court held that the agency was correct in recirculating the EIR only regarding traffic issues, which was the only flaw the Trial Court had found in the EIR. (Ione Valley Land, Air, Water Defense Alliance v. County of Amador [2019] 33 Cal.App.5th at 169.) Res judicata barred all objections to the partially recirculated EIR in that case except those concerning traffic impacts. The other issues raised by opponents had already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition. (id. at 171-173.) In other words, the process of recirculating only those flawed portions of the EIR was appropriate because only those sections could be subsequently revisited.

To assert, as the commenter suggests, that res judicata does not apply to the CEQA process, would severely limit the application of res judicata to only those situations where the entire EIR was found compliant with CEQA in the first instance. Otherwise, even if an issue were resolved in litigation, that issue would be required to be revisited when the other noncompliant sections of the EIR were revised, thus rendering res judicata useless.

The commenter's reliance on the ruling in Center for Biological Diversity v. Dept. of Fish & Wildlife (2017) 17 Cal.App.5th 1245 (*CBD*), is also misplaced. The Court of Appeal in *CBD* did not hold that res judicata only applied to litigation. Instead, the *CBD* court held that res judicata was inapplicable when the court exercised continuing jurisdiction as part of an order that allowed the local agency to fix the portion of the decertified EIR and upheld some of the approvals. In such an instance, the court could modify the standing approvals if needed, should the remaining issues spill into the other approvals that were not set aside.

Although CEQA is interpreted broadly to protect the environment, its provisions are interpreted in light of legislative policies favoring the prompt resolution of CEQA litigation. (Board of Supervisors v. Superior Court [1994] 23 Cal.App.4th 830, 836.) Where a project requiring an EIR is approved, and no timely CEQA litigation is filed, the EIR is presumed adequate (PRC Section 21167.2).[12]

These same general principles favoring the prompt resolution of CEQA litigation equally apply to the CEQA process once litigation has occurred.[13]

Applying res judicata in CEQA cases ensures that they cannot be re-litigated once environmental issues have been adjudicated, thereby providing finality, promoting judicial efficiency, and protecting against inconsistent judgments. Requiring an EIR to be processed anew because some topical issues were determined noncompliant with CEQA and allowing resolved issues to be modified regardless of the outcome of the previous litigation is contrary to these principles.

8.7.1.4 *New information, Changed Conditions, and Res Judicata*

Some commenters raise issues that were already decided after litigation by asserting that there is new information that avoids the application of res judicata and by extension would require new analysis of the various topics covered in the 2018 FEIR. Other commenters claim that res judicata does not apply because "new conditions" have arisen, or conditions have gotten "worse" that make res judicata inapplicable.

New facts alone are not enough to be considered a "changed condition" that would mean res judicata no longer applies; instead, the "changed" condition must be "material" or significant (Citizens for Open Government v. City of Lodi, 205 Cal.App.4th at 324-325. See also Atwell v. City of Rohnert Park, 27 Cal.App.5th at 701.) In *Citizens for Open Government*, the city released an urban water management plan and "other water-related documents" after the city certified the contested 2004 EIR that demonstrated additional water supplies would be needed to serve new developments like the project. The opponents asserted that the increased water shortage being

[12] The California Supreme Court explained: This presumption precludes the reopening of the CEQA process even if the initial EIR is discovered to have been fundamentally inaccurate and misleading in the description of a significant effect or the severity of its consequences. After certification, the interests of finality are favored over the policy of encouraging public comment (Laurel Heights Improvement Assn. v. Regents of University of California [1993] 6 Cal.4th 1112, 1130.)

[13] See, e.g., Planning & Conservation League v. Castaic Lake Water Agency, 180 Cal.App.4th at 229–233; Silverado Modjeska Recreation & Park Dist. v. County of Orange [2011] 197 Cal.App.4th 282, 299; Central Delta Water Agency v. Department of Water Resources [2021] 69 Cal.App.5th 170, 209; Roberson v. City of Rialto [2014] 226 Cal.App.4th 1499, 1512–1513; Atwell v. City of Rohnert Park, 27 Cal.App.5th at 703–704; The Inland Oversight Committee v. City of San Bernardino [2018] 27 Cal.App.5th 771, 782.

experienced in the water basin constituted "new facts and evidence showing a changed water supply circumstance" that required new analysis. However, the court concluded that the city already knew that the development allowed under the general plan would cause an overdraft situation. So even though the claims of "new" evidence pointed to an increased demand for water over what was identified in the contested EIR, the critical fact that the city's water supply was inadequate to serve new development was already known when the contested EIR was prepared. Therefore, res judicata barred consideration of this issue in a subsequent action brought by the opponents (id. at 327). In other words, even though the water situation had worsened, this was not "significant or material new information that could evade the application of res judicata because the underlying condition of the Project already considered the overdraft situation.

Nor does a change in law mean that the same case could be relitigated under the new law. The fact that a second lawsuit is based on a legal theory that was unavailable at the time of the initial suit does not mean res judicata no longer applies (Slater v. Blackwood [1975] 15 Cal.3d 791, 795 [holding that a prior judgment for the defendant based upon statutory negligence barred a second action against the defendant for the same personal injuries even though based on a different legal theory of ordinary negligence]). In *Slater*, the California Supreme Court concluded that **the key determination to be made when a party seeks to take advantage of a change in law by bringing a second suit is whether the plaintiff is attempting to relitigate the same issue** (id).

8.7.1.5 *Intersection Between Res judicata and CEQA*

As explained more fully below, the Project's extensive litigation history limits the scope of future legal challenges that may ultimately be raised regarding the legal adequacy of the final EIR and which the County will reconsider. Portions of the 2018 FEIR that were either unchallenged or found to be adequate by the courts (and the concomitant data, analyses, and conclusions) are not appropriate subjects for further challenge because these issues have been settled. As such, comments received regarding such topics raise issues that would be barred by res judicata.

Some comments assert that res judicata would not apply because new information has come to light since the certification of the 2018 FEIR. These comments are addressed by determining whether the new information is actually new and whether it is sufficiently "significant" so that res judicata does not apply.

The same principles used in determining whether there has been a change in circumstances that would void the application of res judicata are also relevant in determining whether recirculation is required under CEQA or a subsequent or supplemental EIR is required under PRC Section 21166. In *Federation of Hillside & Canyon Assns*., the court concluded that the city was not required to prepare a subsequent EIR or supplement to the EIR because the petitioners had not shown that the changed circumstances compel the conclusion that the significant environmental effects will be different or more severe. The court concluded: "These legal principles are relevant for determining whether new facts are sufficiently distinct such that res judicata should not apply" (Federation of Hillside & Canyon Assns., 126 Cal.App.4th at 1180).

The comments that have been received often conflate the issues of subsequent CEQA review with res judicata. But essentially the same principles apply in both circumstances and help to inform the resolution of both issues. Like res judicata, the courts have consistently determined that a

subsequent or supplemental EIR should not reconsider issues from previous EIRs that do not need to be addressed. Subsequent review of an EIR is not "an occasion to revisit environmental concerns laid to rest in the original analysis." (Friends of the College of San Mateo Gardens v. San Mateo County Community College Dist. [2016] 1 C5th 937, 949.) As explained in California Coastal Keeper Alliance v. State Lands Commission (2021) 64 Cal.App.5th 36, the preparation of such documents (subsequent or supplemental EIRs) "is not an occasion to revisit environmental concerns laid to rest in the original analysis. Only changed circumstances … are at issue."

The following describes the analysis that was conducted by the County when considering each of the comments raised by the public regarding claims that new information or a change in circumstances would void the application of res judicata or require a new analysis and recirculation of the various topics covered in the Project's EIR.

Wildfire Trends

A commenter contends that new information indicates that the wildfire conditions at the Project site have become more severe since 2018 and requires new analysis based on a 2022 statewide assessment (California Office of Environmental Health Hazard Assessment 2022).[14]

With respect to the discussion of wildfire trends, while there have been large wildfires since 2000, large wildfires have occurred throughout recorded history. Specific to climate change, given the type of vegetation in the higher elevations, the effects on California's wildfires will be seen more drastically there, not in the southern California shrublands that are already adapted to annual droughts. This trend is confirmed in the 2022 statewide assessment report, indicating "Until the 2010s, the largest fires occurred in Southern California. In the past several years, most of the largest fires have occurred in the north." Additionally, the type of vegetation that is more frequently burning in wildfires has shifted toward higher elevation and more northerly geographies. As stated in the 2022 statewide assessment, over the last two plus decades (since 2000), conifer forests have experienced the greatest increase in area burned. The Project site does not contain any conifer forest habitat (refer to Figure 2.3-1, *Vegetation and Sensitive Resources*, in the 2018 FEIR. Climate is undoubtedly a driver of potential for larger wildfires, and forest mismanagement is another. The FPP acknowledges that the climate pattern at the Project area is occasionally interrupted by extreme periods of hot weather, winter storms, or dry, easterly Santa Ana winds. Regardless, the *number* of wildfires was not a FPP determinant – it was the *efficacy* of the fire safety design measures. The comment suggests that integrating the most effective and evidence-based scientific and technological perspectives and tools is the best way to address the California wildfire threat. That is what HGV South proposes.

Aside from the social and economic impacts of wildfires discussed in the 2022 report, the matrix below illustrates how the conditions identified in this report would not be considered a changed circumstance because these factors have already been considered part of the underlying condition of the Project in the FPP.

[14] https://oehha.ca.gov/climate-change/epic-2022/impacts-vegetation-and-wildlife/wildfires

TOPICS COVERED IN 2022 REPORT	2018 FEIR
Changes in the type of vegetation burned have been observed in recent decades. Annual area burned by wildfires across the state is described by five categories of vegetation: herbaceous, shrubland, woodland, hardwood forest, and coniferous forest; the sixth category, "other," includes partially vegetated areas of lower flammability such as barren, urban, wetland, agriculture, and desert	Vegetation types surrounding the HGV South site were evaluated based on a worst-case, "climax" condition where fuels are expected to represent the most extreme fire producing stage of their ecological development (i.e., old growth sage scrub, mature grasslands). On-site vegetation types have not changed since 2018, and still represent the analyzed fire potential and fire behavior
Changes in population and land use can have immediate and dramatic effects on the number/sources of ignitions and on the availability/flammability of fuels. e.g., escalation of fire losses at the wildland-urban interface is often attributed to new housing development within or adjacent to wildland vegetation	The 2018 FEIR's analysis addressed potential fire ignitions from the introduction of new sources of ignitions associated with the Project. The layered protection system provided has been found to protect master planned communities and minimize potential for off-site ignitions and spread. For example, HGV started construction in 2015 and is now fully built and there have been no wildfire ignitions associated with that project.
Population growth has brought the suppression of fire and attendant growth in fuel availability, as well as the spread of highly flammable, non-native plant species.	This general statement applies to certain fuel types, primarily northern elevation forests.
In addition, the expansion of the electrical distribution system, much of it vulnerable to strong winds, provides multiple points of wildfire initiation	The 2018 FEIR describes on-site electrical undergrounding, eliminating potential for new electrical systems-caused fire starts. "All new on-site utility lines would be installed underground within improved roadbeds" (2018 FEIR p 1-13). *Also*, "Off-site utility connections would be completed within existing roads" (2018 FEIR p. 1-25).
The size, severity, duration, and frequency of wildfires are greatly influenced by climate.	These cited elements are indeed characteristics of wildfire, and are a product of fuels, terrain and weather at a given site. These considerations relate to overall hazard rating, but not to site risk (discussion below as well as in Global Response: 2024 Fire / Evacuation. The site's hazard rating reflects potential site risk, and (as appropriate) this is addressed through a site-specific FPP. Project fire safety design elements detailed in the FPP are determined based on ***proximity and severity*****,** which most greatly affect specific fire experience. In any event, the Project used the very conservative FM4 fuel model, which assumes longer flame length, faster spread rates, and greater heat output for chaparral fuels, particularly like those found near HGV South. Because the very conservative (***overpredicting*** for HGV South area) FM4 fuel model was applied, the resulting fire behavior information represents conditions that are ***worse*** (i.e., more conservative) than those actually occurring at the site. The ***Project was designed for a worst-case event in the type of habitat abutting the Project, and assuming extreme fire weather with Santa Ana winds.***

Fire Hazard Rating at HGV

The commenter incorrectly asserts that the evacuation analysis in the 2018 FEIR assumed that HGV was a "safe haven" for the Project's residents in case of fire because HGV was designated a moderate fire area at the time. The recent designation of HGV in the VHFSHZ does not change the analysis of the HGV site in the 2018 FEIR, as that analysis considered the same factors. The

commenter goes on to mistakenly state that the 2018 FEIR relied on the relative safety of HGV to support its conclusion that impacts associated with wildland fire hazards would be less than significant. Both statements are incorrect.

The Project's *Fire Protection Plan Harmony Grove Village South* (FPP) and *Wildland Fire Evacuation Plan for the Harmony Grove Village South Community* (Project Evacuation Plan) evaluated the fire hazards within the Harmony Grove Valley, including HGV, based on ***actual on-the-ground conditions*** using the following factors:

- climate
- vegetation
- topographic characteristics
- location within a wildland/urban interface (WUI)
- fire history of the area

The FPP concluded that given these factors (climate, vegetation, WUI, topographic characteristics and fire history of the area), the Project site, once developed, would be subject to occasional off-site wildfires that would be expected to be potentially fast-moving and of primarily low- to moderate intensity. The FPP determined that the Santa Ana threat at the Project site was considered minimal post-development because of the lack of wildland fuels to the north, where HGV was already under development (2018 FEIR, Section 3.1.3, page 3.1.3.9). In other words, the 2018 FEIR considered the wildfire threat of the surrounding community (fire environment) based on an analysis of the specific on-the-ground conditions of the area.

Moreover, the same factors used in designating an area as a VHFSHZ were used in evaluating the fire hazards of the surrounding area in the 2018 FEIR. As described on CAL FIRE's website and consistent with PRC Section 4202, an area is designated as a VHFSHZ as a result of modeling large swaths of land using fuel loading (e.g., vegetative), slope (e.g., topographic), fire weather (e.g., climatic), and other factors such as where winds have been identified as a major cause of wildfire spread in the past (e.g., fire history). As described above, the FPP used most of these same factors, *fine-tuned to the actual on-the-ground conditions*. So, while HGV was later designated as a VHFHSZ, it would not change the analysis of the fire risk posed by the site or result in a 'new significant environmental effect' or a substantial increase in the severity of previously identified significant effect. This means that HGV's designation as a VHFSHZ would not change the evaluation of the fire hazards from the analysis in the FPP. Accordingly, it would ***not*** result in a 'new significant environmental effect or a substantial increase in the severity of previously identified significant effect. As such, it does not constitute a changed circumstance that voids the application of res judicata, triggers recirculation under CEQA Guidelines Section 15088.5, or requires a subsequent EIR to be prepared. The FPP evaluated the fire hazards that existed within the vicinity of the Project site and their potential effect on the Project, as well as the potential increased wildfire hazard that may result from the Proposed Project using the same or very similar factors that go into designating an area as a VHFSHZ, but at a much finer scale than the coarse data used by CAL FIRE.

For evacuation, modeling was conducted by Rohde & Associates (Rohde 2016). The Rohde analysis used FlamMap, a *geographically based* information system that evaluated the entire Project area. Rohde determined that with high temperatures (100 degree plus) and very strong winds (30 mph with bursts of 50 mph) a realistically fast spread through the area varied from virtually no time (if the fire started at the Project boundary) to up to 2.5 hours based on fire start at a greater distance such as in Escondido. The parameters are wholly variable, based on specific weather conditions and proximity of fire start. The Project was designed for a worst-case event with Santa Ana winds in the type of habitat abutting the Project. Taking all of this into consideration, the Appellate Court also concluded that:

> "[t]he final EIR acknowledges that the Project lies within an area statutorily designated as a "Very High Fire Hazard Severity Zone," and that "[b]oth Elfin Forest and **Harmony Grove are rural communities in very high wildland fire threat areas**" (Appellate Decision, page 4 [emphasis added]).

In other words, this "new" information raised by the commenters is merely cosmetic rather than substantive. Again, the Appellate Court concluded:

> *We conclude the EIR contains a CEQA-compliant discussion of the potential wildland fire risks or exacerbation caused by the Project and* ***the fire risks in the Project's vicinity*** *and that substantial evidence supports its conclusion that the Project measures would reduce them to a level of insignificance* (Appellate Decision, page 40 [emphasis added]).

It is also worth noting that the site's designation on the Fire Hazard Severity Zone (FHSZ) map only tells half the story. CAL FIRE's website explains that the FHSZ maps evaluate "hazard," not "risks" or impacts. As defined by CAL FIRE, a "**hazard**" is based on the physical conditions that create a likelihood of an expected fire behavior without considering mitigation measures such as home hardening, recent wildfire, or fuel reduction efforts. Meanwhile, "**risk**" is the potential damage a fire can do to the area under existing conditions, accounting for any modifications such as fuel reduction projects, defensible space, and ignition-resistant building construction.

As applicable to developments such as HGV and HGV South, this means that a home might be in a very high hazard area (potential exposure to wildfire) but may actually be at low risk of ignition if the house is built with ignition-resistant construction materials and the resident has created adequate defensible space around the home. This is especially true in planned communities where fuel modification can be provided over large areas and includes a perimeter zone. While CAL FIRE has more recently designated Very High FHSZ (VHFHSZ) to larger areas adjacent to HGV South, the risk of home ignition within new developments remains relatively low due to actions that mitigate the risk of ignition. Projects within fire hazard zones are required to provide for a level of planning, including ignition-resistant construction, access, water availability, fuel modification and construction materials and methods that have been developed specifically to allow safe development within these areas. New projects in San Diego County are required to meet and, in many cases, exceed these requirements.

Also relevant and discussed in the 2018 FEIR is that projects with a denser developed and managed footprint have lower fire risk than areas with lower housing density, and large lot development

with isolated structure clusters (see also Syphard and Keeley discussion in 2018 Response to Comment O6-23). As cited on 2018 FEIR page RTC-I6-13:

> *This type of development with an unbroken landscape (as opposed to low density wildland urban intermix projects) has been found to perform well against wildfires (USGS Research 2015; IBHS Mega Fires 2008, both incorporated by reference). Fire behavior has been analyzed, compared to similar fire environments, and accepted by County Fire Authority.*

In fact, the HGV community itself would act as a large, irrigated fire break that would be expected to modify fire spread by preventing large scale wildland fires from spreading across that project site. As summarized in the 2018 FEIR (page RTC-O6-14):

> *Harmony Grove Village is also a large (larger than HGV South) area that is fuel converted and fire hardened. Existing developed properties along Country Club Drive include a high level of fuel conversion. This has a direct effect on the wildfire spread, intensity, and behavior.*

Therefore, while CAL FIRE's map is one tool for quantifying the likelihood of severe wildfire behavior, it cannot address the many facets influencing risks to communities from wildfire. The 2018 FEIR takes into consideration both "hazards" and "risks" and incorporates appropriate PDFs (including fuel modification zones [FMZs]) into the Project. This means that for purposes of evaluating "impact" for CEQA, both "hazard" and "risk" were considered and evaluated.

The second incorrect assertion raised by the commenter is that the 2018 FEIR relied on the safety of the HGV site to support its conclusion that impacts associated with wildland fire hazards would be less than significant, which is incorrect. The 2018 FEIR concluded that the impacts associated with wildland fire hazards would be less than significant because of a long list of incorporated HGV South PDFs. As stated in Section 3.1.3 of the 2018 FEIR, the impacts associated with wildland fire hazards would be less than significant for just some of the following reasons:

- a ***layered and redundant fire protection and evacuation system*** that offers a system of fire safety above and beyond the code requirements
- ***a list of specifically developed measures and features*** (detailed in Section 5.2.1.2 of the FPP), including ignition-resistive construction, additional fire protection systems, and fuel modification/ vegetation management
- improvement of Country Club Drive (CCD) to three lanes
- a ***fire station 1.3 miles to the north*** of HGV South
- travel time to all Project lots (including the most distant) within ***2 minutes and 50 seconds***
- demonstrated ***compliance with all applicable fire codes***
- ***FMZ setbacks*** that exceeded the County and Rancho Santa Fe Fire Protection District (RSFFPD) standards

- Acceptance of the FPP by the RSFFPD, and the PDFs would be consistent with its recommendations

The following depiction is based on Figure 3.1.3-1, *Fire Protection Features*, of the 2018 FEIR and illustrates the primary design features proven to perform well in wildfire and incorporated into the Project. In particular, note the wide swaths of FMZs that surround the Project site and act as a protective barrier.

In conclusion, the County has already considered the fire environment of the surrounding area, including at the nearby HGV site. The County also considered the fire risks posed by the Project's vicinity to HGV, not just the area's hazards. So even though the commenters claim that the designation of HGV as VHFHSZ is "new" information, or a change in circumstance, the County already considered the unique fire hazard posed by the HGV site using the same information that goes into designating a site as a VHFSHZ. Therefore, the designation of HGV as a VHFSHZ is not material because it is irrelevant to the site-specific analysis already included in the 2018 FEIR. It is not new information because the same factors that go into modeling a site for designation as a VHFSHZ went into the site-specific analysis of the fire risk posed by this area. Again, the commenter offers no information or evidence of how this would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Finally, the commenter raised the same issue in its original lawsuit, alleging that the 2018 FEIR failed to adequately analyze the Project "in a wildfire-prone, rural area of the County" (Petition, page 2.) The Appellate Court has already decided on this issue, as stated above.

Like *Citizens for Open Government*, the underlying issue raised by this "new" information was already known and analyzed at the time of the 2018 FEIR. As explained above, the FPP evaluated the fire hazards within the surrounding areas of the Project site, which included HGV and its potential effect on the Project, as well as the potential increased wildfire hazard that may result from the Proposed Project.

Exit From the Site

The commenter (the petitioner in the previous litigation), also raises as new information the conclusions of yet another expert, this time referring to Thomas J. Cova, a professor of geography at the University of Utah. The latest expert contends that in an urgent wildfire scenario, there are not enough safe exit roads with sufficient capacity leading in multiple directions to allow for a safe evacuation of the Project's residents and the surrounding community. Cova's opinion introduces his notion of an adequate evacuation time for the Project and the surrounding community, primarily focused on experiences during the 2014 Cocos Fire. It does not, however, constitute significant new information.

While Cova argues that additional new projects, if approved, would add to the evacuation time in the area, he fails to consider the road improvements and changes in the fire environment accompanying these new projects. For example, the Cocos evacuation process occurred before completion of all roadway improvements by HGV, which included improving segments of CCD and providing a new road to the east (HGV Parkway, which provides an enhanced route east and out of the valley through an HGV-built bridge connection over Escondido Creek into Escondido). These improvements were required to be completed as part of the HGV project and were described in the 2018 FEIR. The Valiano project (approved December 6, 2024) will add a new fire emergency access road from Hill Valley Drive to La Moree within the City of San Marcos, providing an alternative route to the north separate from CCD. Nor does Cova consider that two of the projects he mentions (Seguro and Solaris) are located at the opposite end of CCD away from the Project. HGV South would most likely utilize HGV Parkway and/or Harmony Grove Road (HGR) during an evacuation, while the Seguro and Solaris projects would most likely use CCD to

the north. Also, Citracado Parkway has since been completed as projected in the 2018 FEIR (see detailed discussion in Global Response: 2024 Fire / Evacuation) and would further facilitate future evacuation efforts. The roadway was actually completed in 2024, providing access from CCD all the way to Auto Park Way, delivering drivers directly into urban Escondido.

Finally, while Cova indicates that CAL FIRE has more recently designated large areas adjacent to the Project as VHFHSZ, the risk of home ignition within new developments will likely be relatively low due to actions that mitigate the risk of ignition. Projects within fire hazard zones are required to provide for levels of planning, ignition-resistant construction, access, water availability, fuel modification, and construction materials and methods that have been developed specifically to allow safe development within these areas. Moreover, master-planned communities like HGV are built at land use densities that are not only safer for the residents within HGV – they are – but the developments can also function as large, irrigated fire breaks that would be expected to modify fire spread by preventing large scale wildland fires from spreading across that project site. (Refer to Global Response: 2024 Fire / Evacuation for additional discussion.) In other words, the information introduced by the commenter's expert did not consider all the relevant information and does not raise material new information. *It is well settled that disagreement among experts does not make an EIR inadequate* (Appellate Decision, page 52). As addressed in the Global Response: 2024 Fire / Evacuation, this is not materially new information, and the County can once again rely on its chosen experts.

The County is entitled to believe fire officials, experts by virtue of their jobs and years of experience, over the opinion of other experts who provide competing conclusions (Appellate Decision, pages 43 and 55). The County and RSFFPD have been at the forefront of fire protection planning requirements and fire and building code minimum requirements for nearly 15 years. The HGV South FPP and accompanying Project Evacuation Plan were diligently prepared to meet some of the most restrictive requirements in the country. Numerous professional fire prevention and protection personnel with hundreds of years of experience combined reviewed the various fire-related documents prepared by seasoned fire professionals. In addition, the County Sheriff's Department indicated their confidence that they could evacuate the entire area (including HGV and Elfin Forest) with the HGV South Project in place.

The commenters incorrectly asserted that Johnston Road was relied on as an access route and misrepresented the current condition of the road. First, the FPP did not rely on Johnston Road as a secondary access route. Contrary to the commenter's assertion otherwise, the Appellate Court understood this by stating, "[t]he Project residents could not use the road for secondary access" (Appellate Decision, page 47). The FPP and EIR included an analysis of secondary access options, including connection to Johnston Road, because it was required to analyze whether a secondary access road would be possible. However, the analysis showed that no options were feasible without improvements. In particular, connection improvements to Johnston Road were considered infeasible because such improvements would require crossing private property and involve engineering constraints that would not allow the roadway design to meet secondary road standards. As pointed out by the commenters, the property owners would never allow improvements to this roadway for its use as a secondary access route. As such, the Project never relied on Johnston Road for secondary access. The FEIR does disclose that emergency responders may choose to use an existing dirt road that connects to the improved portion of Johnston Road during an emergency.

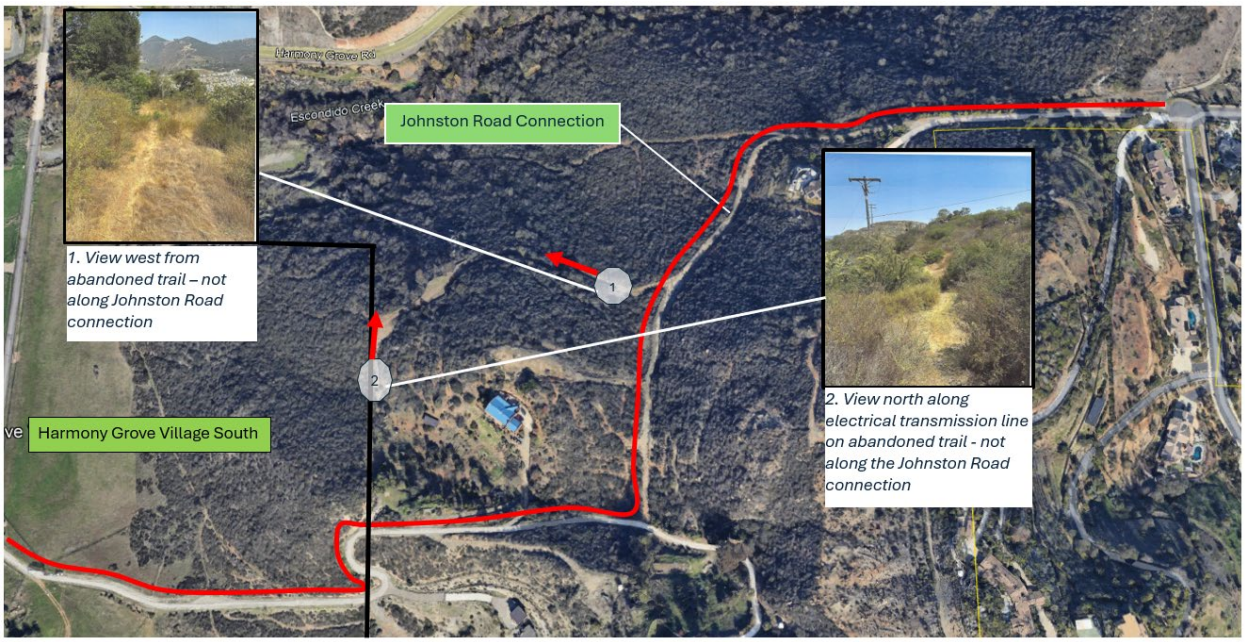
However, this was not considered a sufficient secondary access route. Please refer to the 2018 Global Response: Adequacy of Emergency Evacuation and Access.

Moreover, the commenter incorrectly states that Johnston Road was one of the design features that allowed the dead-end road length modification to be accepted. This is not true. Instead, the FPP describes improvements that would be completed to *an existing unimproved road on the Project site*, which is currently used by three to four off-site residences for access to CCD. In other words, this is not the portion of Johnston Road or connection thereto located off the Project. The commenter's statement is misleading in that the FPP describes how this existing road *on the Project site* is *connected with* Johnston Road to the east but includes a gate at the connection with Johnston Road (FPP, page 40). As stated by the Appellate Court (Appellate Decision, pages 54-55):

> *Further, the 2018 FEIR and its supporting wildfire-related studies do not ignore a scenario where evacuation routes become unusable. The EIR and fire plan evaluate "the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors," explaining that the Project adopted an alternative approach to implement fire protection and evacuation measures that meets fire code requirements…Widening Country Club Drive was not the sole method to lessen the risks. The Project clusters residential development to minimize proximity of homes to wildland fuels and create a defensible perimeter, and the Project proposes a contingency plan for moving people to temporary refuge locations such as homes or the clubhouse…To the extent respondents challenge those measures as inadequate or ineffective mitigation, we conclude that the board was entitled to choose to believe the fire officials who signed off on them. (See Laurel Heights, supra, 47 Cal.3d at pp. 408-409.) The EIR's conclusion that Project fire safety measures reduce fire hazards to a level of insignificance is supported by substantial evidence, namely the fire-related expert studies.*

Finally, the photographs provided by the commenter do not show the connection of off-site Johnston Road discussed in the 2018 FEIR or FPP. A review of October 2024 Google Earth indicates a much more open road, which is clearly visible in the aerial view shown below. This is consistent with the 2018 evaluation, whereas the two photographs shown below and provided by commenters (based on background images, presence of electrical lines, etc.)[15] were taken several hundred feet away and focus on degraded pathways.

[15] Two additional photographs were provided in the comment. Although similar to the inset photos shown below, they could not be identified as to location as (contrary to the depicted photos) there were no notable features on which to base geolocation.



On-site Topography

Comments that state that site topography is a "bowl" or "box canyon" are incorrect. The site is located at the southern extent of a larger valley, with interspersed topographic features within the valley. As stated in the Hazards discussion on page 3.1.3-2 of the 2018 FEIR, "[o]n- site topography is generally characterized by a broad, relatively gentle valley bottom in the northern and central portions of the site and moderately steep slopes to the south and northeast." Slopes rise to the south, but only 4.6 acres of the site's 110 acres exceed 50 percent slope and the great majority of that is outside the development footprint and in preserved open space. The terrain surrounding the Project site is generally open and rolling, with interspersed hills to both the west and east. To the north, the site generally slopes gently to the Escondido Creek drainage, with hills rising to the northeast. Neither the Project site nor its surrounding area is considered a box canyon.

Similarly, the site is not "surrounded by chaparral." Homes edge the western boundary, and non-native grasslands are across CCD to the west of the Project. Riparian habitat is located immediately northerly, and the large, developed, and irrigated HGV is located north of HGR.

Potential Additional Plans

Some commenters incorrectly assert that because the County did not consider a 2006 "Adopted CPEP Plan" after being notified of its existence in May 2018, res judicata does not apply. The commenter misstates the significance threshold used to determine whether the Project would result in an environmental impact concerning hazards by referencing an adopted *Community* Emergency or Evacuation Plan. Thresholds of significance can be adopted by the local agency or based on those standards set forth in Appendix G of the CEQA Guidelines Section 15064. As explained below, the County adopted the significance threshold, described in Section 3.1.3 of the 2018 FEIR, which is based on the *Operational Area Emergency Response Plan* and the *San Diego County Multi-Jurisdictional Hazard Mitigation Plan* (referred to collectively as "Response Plans"). It is

worth noting that there is no reference to "community plans" in these thresholds of significance dealing with the topic of emergency response or evacuation plans.

The Response Plans represent two robust documents that guide evacuation planning and implementation specific to San Diego County. The 2018 FEIR explained why the Response Plans were used in its analysis. The Operational Area Emergency Plan provides guidance for emergency planning and requires subsequent plans to be established by each jurisdiction with responsibilities in a disaster situation. The Multi-Jurisdictional Hazard Mitigation Plan provides the framework for emergency response throughout the County, including at the Project site (2018 FEIR, Section 8.3.4.1).

As explained in the 2018 FEIR, the determination as to whether or not the Project has a significant effect on the environment was based on the Response Plans described in the environmental document, thus making the 2006 Protection and Evacuation Plan identified by the commenter irrelevant or immaterial to the underlying analysis or conclusions. As explained above, new facts alone cannot avoid res judicata or require recirculation; rather, the facts must be "material" to prevent the application of res judicata or require recirculation.

Even though the commenter (Elfin Forest Harmony Grove Town Council) knew about the 2006 Community Plan "two days before the planning commission hearing." This issue was not raised by them in their litigation. Nor did the commenters object to the threshold of significance described in Section 3.1.3 of the 2018 FEIR.

It is also noted that the issue of CPEP and/or CWPP benefits was raised by them in their June 20, 2017 letter (see 2018 FEIR page RTC-O6-9), during suggestion that a CPEP or CWPP should be established. At that time, clarification was provided regarding the use of such plans. Response to Comment O6-18 states:

> *CPEPs and CWPPS are not used for project-level impact and General Plan policy compliance analysis. These documents focus on existing conditions and how to reduce hazardous areas, plan for emergencies, and raise citizen awareness to appropriate responses to the types of hazards that exist in the vicinity of their homes.*

As stated in Section 8.7.1.3, above, res judicata bars the litigation of issues that could have been asserted in the prior litigation but were not (Citizens for Open Government v. City of Lodi, 205 Cal.App.4th at 324-325; see also Atwell v. City of Rohnert Park, 27 Cal.App.5th at 701.) The commenters cannot raise an issue they should have raised when filing the original lawsuit; therefore, res judicata applies.

Finally, please note that the slide in their comment referenced the Community Protection and Evacuation Plan for San Dieguito versus the email referencing a 2006 "CPEP" for the Elfin Forest Harmony Grove community. Not only are these two different communities, but there is no date on the slide, the author is unknown, and there is no context for the slide. Nothing in this slide substantiates the commenter's claim that the County ignored this information due to a "lack of an adopted plan." For the reasons described above, the 2006 Community Emergency or Evacuation

Plan identified by the commenter was irrelevant or immaterial to the underlying analysis or conclusions of the 2018 FEIR.

Similarly, it does not matter that the County adopted a Community Wildfire Protection Plan (CWPP) from the recently formed Elfin Forest Harmony Grove Fire Safe Council in 2022. As explained above, adopting the CWPP in 2022 is neither relevant nor material. As stated above, the County applied a threshold of significance that utilized the robust plans described above, which were more directly applicable to the analysis in the 2018 FEIR. Therefore, res judicata applies and neither recirculation under CEQA Guidelines Section 15088.5 nor a subsequent EIR is triggered.

Attorney General Guidance Document

The AG Guidance Document (or AG Guidelines) was created for jurisdictions that do not have comprehensive requirements for fire code compliance and site-specific evaluations which would be documented in an FPP. The AG's best practices are meant to be "guidance" designed to help lead agencies to comply with CEQA when considering projects in wildfire-prone areas. However, San Diego County has been far ahead of the curve in terms of these requirements for almost two decades. The County's locally relevant policies and guidelines provide the best practices for evaluating and mitigating wildfire exposure and risk as applicable in the Project context. Please refer to Global Response: 2024 Fire / Evacuation, which discusses the AG Guidelines. But most importantly, as explained below, the AG Guidance Document does not raise any issues that have not already been considered and analyzed in the 2018 FEIR.

The Attorney General states the document is not meant to "impose additional requirements on local governments or alter applicable laws or regulations. Instead, it is intended to provide guidance on some of the issues, alternatives, and mitigation measures that should be considered during the environmental review process (AG Guidance Document, page 2). In other words, the document has no legal effect. Instead, the Appellate Court, the final arbitrator of the legal adequacy of such matters, determined that the 2018 FEIR was CEQA-compliant concerning wildfire-related impacts. Therefore, this information is not material or significant, and res judicata applies to this comment. In addition, recirculation under CEQA Guidelines Section 15088.5 is not required for the reasons described below.

For the sake of discussion, even if the AG Guidelines were given the same weight as the law (which is not the case), res judicata would still apply. The same issues that were unsuccessfully raised in the previous lawsuit cannot be raised again, by using the AG Guidance Document as a pretext for doing so. This would allow the same parties in the last litigation to reassert the same CEQA issues about the same project involving the same FEIR and the same findings.

As examples, the commenter stated that the following topics needed to be analyzed due to the AG Guidance Document. However, these issues have already been analyzed in the 2018 FEIR and resolved through previous litigation as documented below.

Conversion of Wildland into Paved Development

The commenter in the previous litigation asserted that the 2018 FEIR did not adequately analyze the risk of introducing people into a flammable landscape. But now instead of referencing their

previous "expert" (Rahn), they reference the AG Guidance Document.[16] Based on the referenced studies in the AG Guidelines, the commenter believes the 2018 FEIR was incorrect in asserting that converting fuels on landscaped developed land and fuel modification areas would reduce the fire threat. Use of the AG Guidance Document is another way to introduce conflicting expert testimony, even though the Appellate Court upheld the County's reliance on its own experts on the same subject matter. The issue of competing experts was initially raised by the same parties in their original complaint and was soundly dismissed by the Appellate Court:

> ***County was entitled to accept the EIR's and fire officials' conclusions*** *that the Project's impacts, including its addition of ignition sources, would not expose people or structures to a significant risk of loss, injury or death, over Dr. Rahn's differing conclusions and suggestions* (Appellate Decision, page 43 [emphasis added])**.**

Even if respondents presented other experts' competing conclusions, it does not render the EIR inadequate.

> *"*As we have pointed out, it is **well established that "'[disagreement] among experts does not make an EIR inadequate'"** (Appellate Decision, page 52 [emphasis added]).

The commenters assert that the AG Guidance Document means that HGV South must re-analyze its surroundings, which consist of large blocks of wildland vegetation or grasslands. However, the Appellate Court concluded that the 2018 FEIR did just that.

> *The final EIR acknowledges that the Project lies within…an area where development is proximate to open space or lands with native vegetation and habitat prone to brush fires... Additionally, the San Diego County Fire Authority's Fire Marshal commissioned a Wildfire Risk Analysis by fire and emergency management consultant Rohde & Associates, which included assessment of the site, fire history, water supply infrastructure, and potential evacuation routes… It considered the fire risk presented by the site, including property location and topography, geology (soils and slopes), combustible vegetation (fuel types), climatic conditions, fire history, and the proposed land use and configuration* (Appellate Decision pages 33-34).

The Project Does Not Extensively Rely on Shelter in Place

Commenters incorrectly assert that HGV South relied extensively on shelter in place as a safety measure in the Project Evacuation Plan. Instead, the Wildfire Evacuation Plan considered shelter in place as a contingency option. Temporary refuge was considered a contingency option where evacuation routes were unsafe. The Appellate Court concluded that the Project identified several PDFs that functioned as:

[16] The Attorney General acknowledges that the extent to which some suggestions apply will inherently vary by project, based on project design and location (AG Guidance Document, page 2).

> *a layered fire protection system designed to current codes with "site-specific measures that will result in a Project that is less susceptible to wildfire than surrounding landscapes and that would facilitate firefighter and medical aid response as well as project resident evacuation in a wildfire emergency'* (Appellate Decision, page 35).

Evacuation and Emergency Access Have Already Been Analyzed

The commenter incorrectly asserts that the FPP did not include an analysis of several evacuation topics that the AG Guidance now requires. Each of the following topics described as missing from the 2018 FEIR was analyzed in the 2018 FEIR as summarized below.

- Evaluation of the capacity of roadways to accommodate Project and community evacuation and simultaneous emergency access, and assessment of the timing for evacuation.

  Quoting from the Appellate Decision:

  > "The project's traffic engineer states that ***each lane can effectively manage 1,900 vehicles per hour***…Based on this supporting information, planning commission staff determined that "***all existing and proposed residences could evacuate within approximately one hour***" (Appellate Decision, pages 46-47 [emphasis added]).

  The Court further states:

  > *Respondents' arguments concerning the analysis of evacuation times are unavailing.* ***The EIR engaged in a calculation of the evacuation time on Country Club Drive using the capacity of vehicles per hour, in keeping with the formula set out in the County's Operational Area Emergency Operations Plan*** (Appellate Decision, page 53 [emphasis added]).

- Identification of alternative plans for evacuation depending upon the location and dynamics of the emergency.

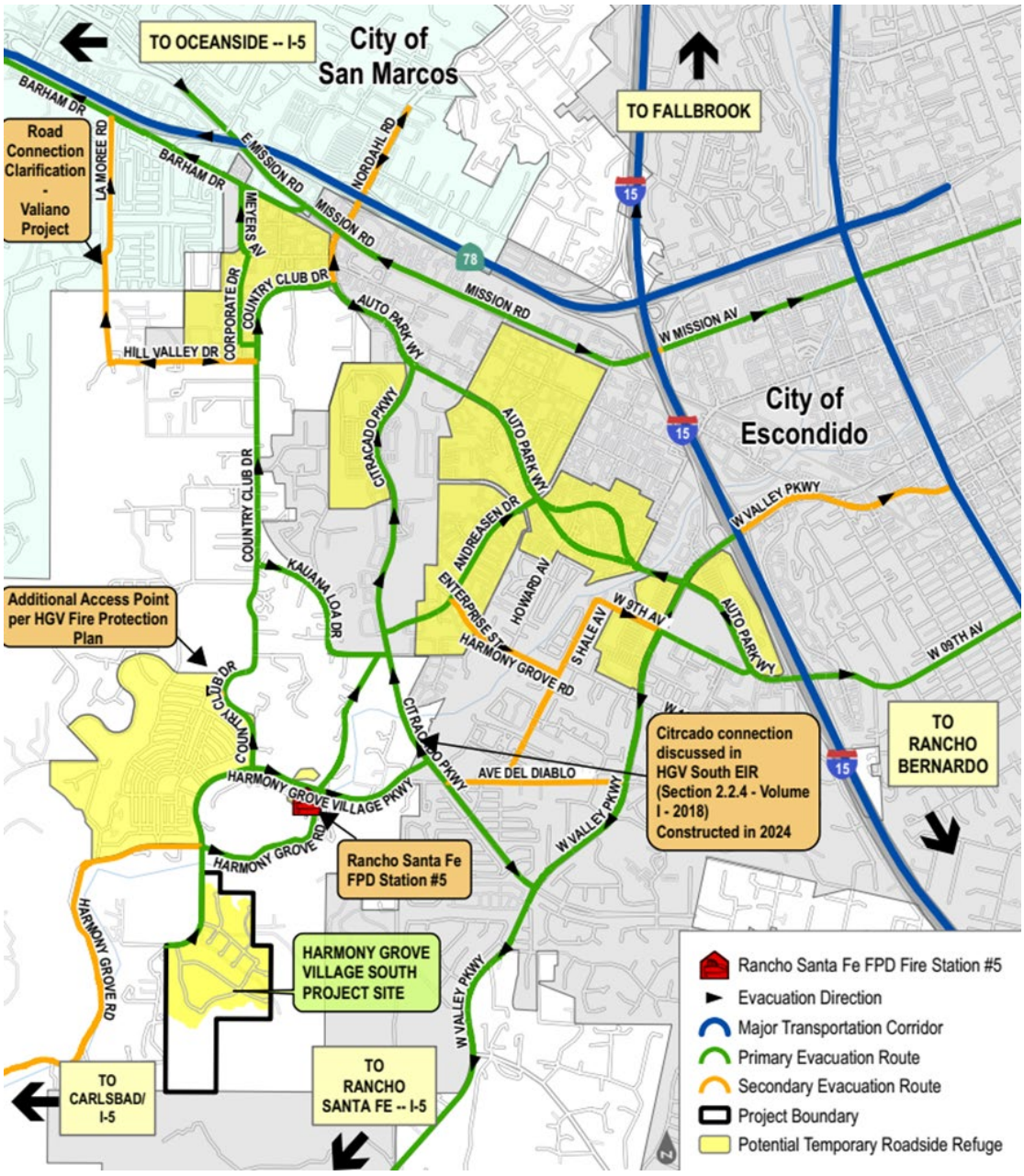
  The commenter's assertion that the Project did not contemplate alternative evacuation plans is incorrect. The Appellate Court concluded:

  > *The Wildfire Risk Analysis likewise evaluates potential evacuation routes (Harmony Grove Road both east and westbound and Harmony Grove Village Parkway to the north) and considered whether "civilian's escape [could] be compromised by fire movement along these routes* (Appellate Decision, page 47).[17]

  The Project identified several evacuation routes available for the Project as depicted on Figure 2 of the 2018 Project Evacuation Plan on the HGV South portion of the County

[17] Rohde and Associates (2016) *Harmony Grove Village South Wildfire Risk Analysis* (Wildfire Risk Analysis).

website. In addition to HGV South, refuge and evacuation portions of that figure are depicted here with the additional clarifying highlights related to the Valiano-approved evacuation route via La Moree to the City of San Marcos and the previously projected (now completed) Citracado Parkway leading directly into the City of Escondido.



- Evaluation of the Project's impacts on existing evacuation plans.

  The Court concluded that this issue was resolved.

  > "The Wildland Fire Evacuation Plan ...was prepared based on the County's Operational Area Emergency Operations Plan and found to be consistent

> with County and City evacuation planning standards" Appellate Decision, page 48). And,
>
> "The EIR engaged in a calculation of the evacuation time on Country Club Drive using the capacity of vehicles per hour, in keeping with the formula set out in County's Operational Area Emergency Operations Plan" (Appellate Decision, page 53).

- Consideration of contribution to risk of wildfire by addition of development into wildfire-prone areas.

  The commenter implies that due to the adoption of the AG Guidance Document, there is a need to "carefully consider and model how the addition of development into wildfire-prone areas contributes to the risk of wildfire." But nothing has changed in this regard. The commenter previously raised this same issue, and the Appellate Court found that it was adequately addressed in the 2018 FEIR. The Appellate Court stated that:

  > *We* ***conclude the EIR adequately addressed the fire risks posed to Project and existing residents by the Project's inherent injection of human activity and that it included enough detail to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the Project.*** *(Sierra Club, supra, 6 Cal.5th at p. 516* [omitting full cite].) *We perceive no CEQA violation in County's conclusion that the Project, in view of its fire-protection features detailed in the EIR, would not exacerbate the wildfire threat beyond the threshold of significance and thus would not expose people or structures to a significant risk of loss, injury, or death from wildfires* (Appellate Decision, page 45 [emphasis added]).

None of the issues raised by the commenters is new. The matrix below illustrates how specific comments related to the AG Guidance Document make the same assertions that were made in the original lawsuit by the same parties that the Appellate Court ultimately decided. Thus, res judicata applies for the above reasons, and no further discussion is required. For purposes of emphasis, some text below is shown in bold.

Petition and Complaint and Petitioner's Opening Brief	**Commenter Re-assertions based on Attorney General Guidelines**	**Appellate Decision (AD) - Response to same issue**
This Project would place hundreds of new residences in a wildfire-prone, rural area of the County. (Petition, p. 2) ... the Project places dense, urban development in a Very High Fire Hazard Severity Zone. (Petition, p. 19)	The new guidelines require analyzing the density of projects and how they impact fire risk and spread.	The 2018 FEIR considered the density of the Project (453 clustered homes), its location (a high fire severity zone), and how that would impact fire risk and spread. The Appellate Court (AC) concluded: ***We conclude the EIR adequately addressed the fire risks*** *posed to Project and existing residents by the Project's inherent injection of human activity and that it included enough detail to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the Project*. (AD, p. 45)
"The EIR never adequately analyzes or mitigates the Project's impacts on community-wide emergency access and evacuation." (Petition, p. 20) "…and fails to provide both a primary and secondary access/egress route to support emergency services." (Petition, p. 19)	The new guidelines require the following analysis with regard to evacuation: 1) Evaluation of the capacity of roadways to accommodate project and community evacuation and simultaneous emergency access. 2) Assessment of the timing for evacuation. 3) Identification of alternative plans for evacuation depending upon the location and dynamics of the emergency. 4) Evaluation of the project's impacts on existing evacuation plans.	1 and 2, the AC concluded: *The project's traffic engineer states that* ***each lane can effectively manage 1,900 vehicles per hour…Based on this supporting information, planning commission***[sic] ***staff determined that "all existing and proposed residences could evacuate within approximately one hour.*** (AD pp. 46-47) *Respondents' arguments concerning the analysis of evacuation times are unavailing. The EIR engaged in a calculation of the evacuation time on Country Club Drive using the capacity of vehicles per hour, in keeping with the formula set out in the County's Operational Area Emergency Operations Plan.* (AD, p. 53) 3, the AC concluded: ***The Wildfire Risk Analysis likewise evaluates potential evacuation routes*** *(Harmony Grove Road both east and westbound and Harmony Grove Village Parkway to the north)* ***and considered whether "civilian's escape [could] be compromised by fire movement along these routes.*** (AD, p. 47) 4, the AC concluded that the Project Evacuation Plan: ***was prepared based on the County's Operational Area Emergency Operations Plan and found to be consistent with County and City evacuation planning standards.*** (AD, p. 48)

Petition and Complaint and Petitioner's Opening Brief	**Commenter Re-assertions based on Attorney General Guidelines**	**Appellate Decision (AD) - Response to same issue**
The County hopes the Project will adopt a shelter in place "philosophy" as a last resort, taking advantage of "ignition-resistant structures." (AR1113-14.) But the record includes no evidence of these features' efficacy and offers nothing to current residents of the area who would be trapped in the same failed evacuation as Project residents. (Petitioner's Opening Brief, p. 18)	The new guidelines request avoidance of ***overreliance*** on community evacuation plans identifying shelter in place locations.	The AC concluded that the Project considered temporary refuge as a "**contingency option** where evacuation routes are rendered unsafe" (AD, p. 48 [emphasis added]) and identified a number of PDFs that acted as: *a layered fire protection system designed to current codes with site specific measures that will result in a Project that is less susceptible to wildfire than surrounding landscapes and* ***that would facilitate firefighter and medical aid response as well as project resident evacuation in a wildfire emergency.*** (AD, p. 35)
Adjacent open space in a Very High Fire Risk zone also severely increases the wildfire risk, both from introducing new ignition sources from humans and from the risk of entrapment as the fuel load is extreme. The EIR also fails to identify feasible mitigation for these increased hazards.	The new guidelines state that the vast majority of wildfire destruction in California occurs on paved, developed lots near "large blocks of wildland vegetation." The commenters therefore assert that the new guidelines mean that HGV South needed to analyze its surroundings consisting of large blocks of wildland vegetation or grasslands.	The AC concluded the Project's 2018 FEIR did just that: *The final EIR acknowledges that the Project lies within …****an area where development is proximate to open space or lands with native vegetation and habitat prone to brush fires...*** *Additionally, the San Diego County Fire Authority's Fire Marshal commissioned a Wildfire Risk Analysis by fire and emergency management consultant Rohde & Associates, which* ***included assessment of the site****, fire history, water supply infrastructure, and potential evacuation routes… It* "***considered the fire risk presented by the site, including: property location and topography, geology (soils and slopes), combustible vegetation (fuel types), climatic conditions, fire history, and the proposed land use and configuration***." (AD, pp. 33-34)
The issue of competing experts was originally raised in Petition and Complaint. It states: "As demonstrated by expert reports submitted by the Town Council, the EIR fails to adequately analyze fire hazards caused by the Project, which would expand the wildland-urban interface and increase fire risks significantly." (Petition, p. 20.)	The new guidelines cite scientific studies that contradict the 2018 FEIR assertion that the conversion of fuels to developed land with designated landscaping and fuel modification areas would reduce fire threat. Therefore, commenters assert that this issue needs to be analyzed again, and these assertions should be removed from the FPP.	This is the same issue related to competing experts. The AC concluded: *The EIR and supporting fire-related studies, in our view, account for and seek to mitigate new human-related triggers of fire ("ignition sources") brought in by the Project, which as a new residential development on previously undeveloped land inherently increases human population and activity in the area.* ***County was entitled to accept the EIR's and fire officials' conclusions that the Project's impacts, including its addition of ignition sources, would not expose people or structures to a significant risk of loss, injury, or death*** (AD, p. 43). See also AC on "other experts" (pp. 30, 40 herein).

Finally, the changed circumstance or new information raised by the comments above do not require recirculation under CEQA. The new information (AG Guidelines) did not result in the public being deprived of a meaningful opportunity to comment upon any substantial adverse environmental effect of the Project. In fact, voluminous comments have been received on these issues. The County has carefully reviewed these comments and decided (as appropriate) that the issues have either already been raised and adequately addressed or are immaterial, as documented in the Project global and individual responses. Also, as explained in detail above, the FPP and the 2018 FEIR included an analysis of each of the topics that the commenters described as missing from the 2018 FEIR. Nor did the changed circumstances lead to new significant Project impacts not previously considered. The comments fail to show that the Project's significant environmental effects will be different or more severe than those analyzed in the 2018 FEIR. The County has determined that the AG Guidelines raise the same issues that fall within the scope of the initial environmental review of the 2018 FEIR, and a thorough assessment has confirmed that no new significant environmental effects are anticipated, aligning with CEQA guidelines.

Updated County Fire Protection Plan Guidelines

Commenters contend that the FPP must be reanalyzed because an earlier version of the County's FPP Guidelines was used as the significance threshold. This is incorrect. Indeed, the County adopted Updated FPP Guidelines in 2024 to assist County and fire review staff in evaluating a project's significant effects under CEQA. The guidelines make clear that they are not considered binding on any decision-maker and are not a substitute for independent judgment in determining significance or evaluating evidence in the record. Nor do the Updated FPP Guidelines require retroactive application (Updated FPP Guidelines, page 4). CEQA gives lead agencies the discretion to develop their own thresholds of significance which can be adopted for general use or on a case-by-case basis. The Updated FPP Guidelines include a series of topical matters that deal with the issues addressed in Appendix G: Wildfire thresholds of significance, adopted in 2018. Moreover, the significance threshold listed in Appendix G are only "suggested" and an EIR need not explain why different thresholds are used (Cuyama Valley v. County of Santa Barara [2013] 213 Cal.App.4th 1059.)

In any event, the courts have consistently determined that adopting new guidelines does not constitute significant new information that would trigger further environmental review under PRC 21166 (Olen Properties Corp v. City of Newport Beach, 93 CA5th at 280-281; Concerned Dublin Citizens v. City of Dublin, 214 CA4th at 1320.) In *Olen Properties Corp,* the court held the change in the CEQA Guidelines from level of service to VMT was not significant new information because the underlying issue was known when preparing the original EIR in 2006. Similarly, in *Concerned Dublin Citizens*, the court held that adopting new guidelines for evaluating GHG emissions was not significant new information requiring further CEQA review. As explained by the court in that case, the environmental impacts of a project would be the same regardless of the newly adopted threshold and/or methodology (id. at 1319, 1320).

Likewise, recirculation is not required simply because significance thresholds are subsequently revised, so long as the related impacts of the project were considered in the initial EIR. Here, the underlying information concerning wildfire was already known when the 2018 FEIR was prepared and these issues were adequately analyzed, under the appropriate significance threshold. The

Project's wildfire impacts would be the same, as analyzed and documented in the 2018 FEIR, FPP, and Project Evacuation Plan such that the Appellate Court concluded:

> "[T]he EIR adequately addressed fire safety and evacuation…" (Appellate Decision, page 3).

Most importantly, however, HGV South's FPP and Project Evacuation Plan would satisfy the Updated FPP Guidelines, and none of the conclusions would be materially altered. In other words, the FPP and Evacuation Plan would not significantly change even with adopting the Updated FPP guidelines, including the most important fire protection features: access, water, response, construction standards, and defensible space. Moreover, the relevant topical matters listed in the Updated FPP Guidelines including those that deal with wildfires, are already incorporated into the 2018 FEIR.

As described in this global response as well as Global Response: 2024 Fire / Evacuation, the 2018 FEIR assessed: whether the Project would impair emergency response or evacuation plans; exacerbate wildfire risks and thereby expose project occupants to uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors; or whether the installation of infrastructure would exacerbate fire risk, or "expose people or structures to significant risks."

With respect to exposing people or structures to significant risks, including downslope or downstream flooding or landslides, the 2018 FEIR included a preliminary geotechnical report prepared by a licensed professional. As discussed in 2018 FEIR, Section 3.1.2, *Geology and Soils*, the Project is not located within or adjacent to any County Landslide Susceptibility Areas (County 2007d), and the Project geotechnical report concludes that there is no evidence of ancient landslide deposits at the site (Geocon 2015a). Additionally, Project geotechnical investigations included a stability analysis for manufactured fill and cut slopes that concluded each would exhibit a factor of safety of at least 1.5 as required by current County guidelines (and other related industry standards).

Debris flows within areas of alluvial/colluvial deposits were considered possible during high rainfall events; but proposed grading would remove these materials (and therefore this potential hazard). In addition, Project improvements would include drainage-control features in accordance with local drainage-control requirements, which would also reduce the potential for adverse effects related to debris flows. Similarly, the removal of surface vegetation through vegetation management or post-fire conditions reduces the ability of the soil surface to absorb rainwater and can allow for increased runoff that may include debris or mud flows. On-site proposed landscaping also would serve to reduce the potential for erosion or siltation transport off site, and tree wells would be designed to provide capture of stormwater runoff.

As analyzed in 2018 FEIR, Section 3.1.4, *Hydrology/Water Quality,* Project implementation would not substantially alter the overall described on- and off-site drainage patterns and flow conditions. More detailed discussion is provided in the noted section, but conclusions were that on-site flows would continue to drain primarily to the north and west, and Project design would include a number of facilities to retain the overall existing drainage features. Downstream flow conditions would not change substantially from baseline conditions. Specifically, the Project CEQA Preliminary *Hydrology/Drainage Study* (PDC 2017b) concludes that: (1) ultimate

discharge points in relation to the project boundary are effectively the same as the existing condition; (2) the Project's drainage patterns mimic the existing conditions; and (3) development of the Project will not result in substantial erosion or siltation on or off site, with post-development flows from the Project site mimicking existing conditions to the extent feasible (including runoff rates and amounts with overall runoff patterns and directions maintained).

Reconsideration of Project Entitlements

Reconsideration of Project entitlements does not require a new FPP. The Appellate Court found that the Project's FEIR complied with CEQA on all but one issue related to its GHG mitigation measure. (Adding an affordable housing component to the Project is not an issue related to the environment and would not require any physical change to the Project or EIR.) As explained in Section 8.7.1.2 above, decertifying the entire 2018 FEIR does not alter the fact that the FEIR was litigated, and all issues were resolved. Res judicata is applied even if an agency rescinds approval of a project and decertifies an entire EIR. In *Citizens for Open Government* the court applied res judicata even though the city rescinded approval of the project and decertified the prior EIR. (Citizens for Open Government v. City of Lodi, 205 Cal.App.4th at 296, 302. See also Ione Valley Land, Air & Water Defense Alliance v. County of Amador, 33 Cal.App.5th at 172.) Because the Project has not changed and is within the scope of the 2018 FEIR, only those portions of the EIR that pertain to the GHG mitigation measure had to be amended and recirculated for public review before consideration by the County.

Despite the issues raised by the commenters about the wildfire risks of the Project, no evidence has been provided that shows a material or significant change in conditions that would justify relitigating the same issues resolved by the Appellate Court. As explained above, the FPP would still substantially satisfy the Updated FPP Guidelines, and none of the FPP's conclusions would be materially altered. The provisions of the Fire Code relevant to the Project's fire protection features have not changed substantially since 2018, including access, water, response, construction standards, and defensible space (see Global Response: 2024 Fire / Evacuation, Fire Codes Comparison matrix).

Updated FPP Guidelines Requirements

A commenter incorrectly suggests that the Updated FPP Guidelines have more rigorous requirements than previously required for the Project. As illustrated below, the requirements suggested by the commenter as "new" under the Updated FPP Guidelines have already been included in the Project's FPP.

- Consultation. HGV South consulted with the RSFFPD, obtained approval of its FPP from them, and complied with their recommended mitigation measures.
- Findings of fact. The Project's FPP included written findings that it had complied with all of the mitigation recommendations made by the RSFFPD, minimized fire hazards, and concluded that the Project would not significantly impact fire hazards. The Project's FPP was approved with the dead-end road length modification, including detailed findings explaining the reason for such approval.

- Emergency vehicle access. The Project demonstrated that it would have adequate roadway capacity available to accommodate emergency vehicle access and evacuation of residents out of the community. CCD would be widened from its intersection with HGR to the southernmost HGV South Project entrance to three minimum 12-foot-wide travel lanes, providing additional capacity for emergency vehicle access and evacuation. The three access points into the Project from CCD provide the ability to move vehicles out while responding to emergency personnel travel inbound. In an emergency, two lanes can be designated for egress while one lane would remain available to respond to emergency vehicles. The FPP includes a conservative estimate of the number of vehicles that account for existing residents.
- Single Route of Access. HGV South includes three access points with CCD, a short distance (from 0.1 to 0.25 mile) to HGR. At this point, there are at least three different route options toward urbanized Escondido or San Marcos (see depiction above regarding access roads). The HGV South FPP was found to have sufficient access and other accepted means for fire protection, which the County's fire experts found did not lessen fire safety nor put lives at unacceptable risk.
- Adequate fire-flow water supply. The water distribution system is designed to yield water pressure for fire flow that can exceed Fire Code requirements by 100 percent.
- "Best Practices"-limiting lots. The commenter also references the Updated FPP Guidelines "best practice" of other jurisdictions regarding limiting the number of lots that can be located from a single access point. Besides not being adopted in San Diego County, it is not applicable in all situations. It is common for fire jurisdictions to have varying approaches to fire codes, with access being one of those. Access requirements are specific to the environment within each jurisdiction based on factors unique to each jurisdiction. In other words, one size does not fit all, and the County determined that applying the best practice did not fit San Diego County's environment.

Fire Hazard Risk Relative to Density

The commenter questions the opinion of the County's fire experts, who concluded that converting wildland vegetation into paved development will reduce fire risk. But now, instead of relying on their previous expert (Rahn) or the referenced studies in the Attorney General Guidelines (see above) for the basis of their conclusion, they reference general statements about "some EIRs" in the Updated FPP Guidelines. However, the Appellate Court concluded that the County is entitled to believe fire officials, who are experts by virtue of their jobs and years of experience, over the opinion of other experts that provide competing conclusions (Appellate Decision, pages 43 and 55). The Appellate Court decided the issue of competing expert opinions:

> ***"That respondents presented...other experts' competing conclusions does not render the EIR inadequate.*** As we have pointed out, it is well established that "'[disagreement] among experts does not make an EIR inadequate'*"* (Appellate Decision, page 52).

The general topic of anthropogenic fire starts was addressed in the 2018 FEIR, which considered the Project's location in a VHFSHZ and the conditions of the surrounding community. Based on

expert opinion, it was determined that removing wildland fuels was *one* of the reasons fire risks at the Project site would be reduced in the post-development stage. Research indicated that removing dense, flammable native vegetation and replacing it with ignition-resistant landscapes in master planned developments, like HGV South, is not associated with increased vegetation ignitions (2018 FEIR pages 3.1.3-22 and -24, among others). Moreover, the County found that the fire prevention, protection, and suppression features designed in the Project would not only protect the community but also work to minimize the likelihood of an on-site ignition spreading off site. The same protections that starve wildfires of fuels and reduce or prevent wildfires from transitioning into a higher-density community also minimize or prevent on-site fires from transitioning into the wildlands. Further, requiring all structures to include interior fire sprinklers significantly reduces the likelihood that a building fire spreads to the point of flashover, where a structure will burn beyond control and produce embers. Similarly, the irrigated FMZs are positioned throughout the development areas and are the first zones of protection around the Project's perimeter. Irrigated zones include plants with high internal moisture and spacing between plants and plant groups that: (1) make it difficult to ignite, and (2) make it difficult for fire to spread from plant to plant. Lastly, the nearby HGV fire station and additional Project residents with direct views in all directions on the site would result in fast detection of fires and fast firefighter response, key in limiting the growth of fires beyond the incipient stage (2018 FEIR, Responses to Comments O6-14 and O6-36 H-3.) As discussed throughout the FPP, HGV South would be an ignition-resistant community designed to include professionally managed and maintained fire protection components, modern Fire Code-compliant safety features, and specific measures provided where ignitions are most likely to occur (such as adjacent to roadways). Therefore, Project development would not be expected to materially increase the risk of vegetation ignitions.

Please also note that the County does not take a "complacent attitude" towards wildfire risk. Extensive analysis, planning, and design revisions have resulted in the County's determination that the Project would not result in significant wildfire-related hazards. The Project's FPP, Project Evacuation Plan, and the Wildfire Risk Assessment conducted by four experienced Rohde & Associates personnel, along with the evaluation by several SDCFA fire prevention staff and three RSFFPD fire officials, demonstrate that a comprehensive and extensive assessment of the potential for loss of life and property was conducted. Impacts were found to be below levels of significance, which the Appellate Court upheld. Finally, the issue of potential future ADUs is not new information. However, the type of residential units planned for the Project does not facilitate ADUs (multi-family housing and single-family homes on generally small lots). ADUs are not included in the Project.

Fire Code Updates for Dead-end Roads

As correctly pointed out by the commenter, the findings necessary to support a modification related to the exceedance of dead-end road length of 800 feet were updated in 2024. Even though the Fire Code was updated, contrary to the commenters' statements, Code changes concerning dead-end road length requirements are minor. The 2024 Consolidated Fire Code did not create a higher threshold for approving such modifications, nor did it require more substantiation than the 2010 Code. Code modifications are still permitted by state, County, and district fire codes, and such requests must still require substantial evidence to support the necessary findings of the Fire Authority Having Jurisdiction (FAHJ). In any event, the Project complies with the updated 2024

Consolidated Fire Code requirements related to the exceedance of dead-end road length, as demonstrated in the matrix below.

2010 Guidelines: 5.7.1 Required Findings for Alternatives to Standards	**2024 Guidelines: 5.10.3 Required Findings for Alternatives to Standards**
Certain site-specific situations may make strict adherence to the County Fire Code or County Consolidated Fire Code either impracticable or infeasible. The fire code official is authorized to approve a modification to the fire code requirements, such as an alternative material or method of construction, where the fire code official finds that the proposed design is satisfactory and complies with the intent of the provisions of the code. If a modification is proposed, the requirements of the County Fire Code and County Consolidated Fire Code specific to modifications apply. *Documentation of the modification must appear not only in the FPP but also in the files of the FAHJ as prescribed in the fire code.* The modification must be supported by "findings" including the following: • *That special individual reasons that make the strict letter of the code impracticable* • *That the modification is in compliance with the intent and purpose of the code; and* • *A map showing the proposed location of the mitigation/ exception measures.* • *That such modification does not lessen health, life, and fire safety standards.*	Certain site-specific situations may make the strict adherence to the County Consolidated Fire Code either impracticable or infeasible. If a modification is proposed, the requirements of the County Consolidated Fire Code specific to modifications apply. The fire code official is authorized to approve a modification to the fire code requirements when the proposed modification is supported by the following "findings": • *Special circumstances make the strict letter of the code impracticable* • *The modification is in compliance with the intent and purpose of the code and provides the same practical effect* • *Such modification does not lessen health, life, and fire safety standards* • <u>Specific section(s) for which a modification is requested</u> • *Material facts supporting the need for modification* • <u>Details of the modification or mitigating measure proposed, and if applicable,</u> *a map showing the proposed location of the modification or mitigation measures* • *The modification is documented in the FPP and separately provided to the FAHJ*

As shown, the wording of the 2010 and 2024 Guidelines for Determining Significance is presented in the matrix above for comparison. As indicated in the bullet text in italics, the findings in 2010 duplicate those required in 2024, except for two minor changes that now: (1) require that the specific section(s) for which a modification is requested be identified; and (2) include details of the modification or mitigation measures (new text is underlined below). The 2024 requirement for "material facts supporting the need for a modification" requires essentially the same information as the 2010 requirement for "reasons that make the strict letter of the code impracticable."

The Project met the two new requirements added in 2024. The FPP identified the specific section for which a modification was requested – Section 503.1.3 of the County Consolidated Fire Code for dead-end road lengths. Additionally, the details of the modification and the mitigating measures were described in detail as part of the "Findings and Mitigation Conclusion." The FPP included a detailed description of each of the 25 measures that, when combined, resulted in a highly defensible community, offered a means of equivalent egress, and allowed contingency planning if evacuation from the site is deemed unsafe (FPP, pages 36-42). The Appellate Court concluded that the County could rely on these migration measures:

> "To the extent respondents challenge those measures as inadequate or ineffective mitigation, we conclude the board was entitled to choose to believe the fire officials who signed off on them" (Appellate Decision, page 55).

In conclusion, the dead-end road length modification was granted based on the following findings that are consistent with both 2010 and 2024 Consolidated Fire Code: (1) the topographical, geological, and environmental conditions of the site made compliance with this standard infeasible; (2) the Project will meet the intent and purpose of the Fire Code; (3) such modification does not lessen health, life, and fire safety requirements, and (4) a list of specifically developed measures and features were evaluated as being sufficient.

Finally, the Project's dead-end road length and potential secondary access issues were evaluated and included within the Project's FPP (Dudek 2018) and Wildfire Risk Analysis (Rohde & Associates 2016) and reviewed by the SDCFA and RSFFPD, see 2018 FEIR, Section 8.3.3.1.

Mitigation Measure Ratio and Substantial Evidence

A commenter states that the Updated FPP Guidelines require alternative measures to provide the same practical effect as the original safety requirement at a 2:1 ratio. The 2:1 ratio is mentioned in the Updated FPP Guidelines in Section 5.10 and applies it to all proposed alternative measures. Determining what accomplishes the 2:1 ratio would likely require consultants and agency personnel to explore a package of proposed alternatives customized to the specific site that would ultimately provide the same practical effect. However, the ***findings*** needed for the fire code official to approve a modification include the items listed in the matrix above, which do not reference the 2:1 ratio. In other words, to approve the modification, the fire code official has to determine that the modification complies with the Code's intent and purpose; provides the same practical effect; and does not lessen health, life, and fire safety standards.

The Project used a similar customized approach in developing a list of 25 measures that, when combined, resulted in a highly defensible community, offered a means of equivalent egress, and contingency planning if evacuation from the site is considered unsafe. The 25 alternative measures were assessed and evaluated in both the FPP and Project Evacuation Plans by two separate expert fire agencies and were determined to meet the intent and purpose of this section.

The commenter also states that there was insufficient evidence in the record to substantiate that alternative Project measures would exceed the safety that the dead-end road length restrictions in the Fire Code can achieve. However, this ignores the Appellate Court's opposite conclusion. The Appellate Court specifically held:

> "We conclude …***that substantial evidence supports*** its [EIR] conclusion that the Project measures would reduce them to a level of insignificance (Appellate Decision, page 40 [emphasis added]).
>
> *The Project is* ***providing code-exceeding measures...*** *through a layered and redundant fire protection and evacuation system that would result in a highly defensible community, offer a means of equivalent egress, and provide contingency*

> *planning if evacuation from the site is considered unsafe* (Appellate Decision, page 41 [emphasis added]).

The Appellate Court goes on to state:

> *The EIR stated that the "**layered and redundant fire protection and evacuation system… provide[s] a system of fire safety above and beyond the code requirements.**" It characterized the measures as "an alternative approach" **that supported a finding by the Rancho Santa Fe Fire Protection District** that the "intent of the code has been met and [the Project] does not lessen health, life and fire safety requirements." ... **Both the San Diego County Fire Authority and the Rancho Santa Fe Fire Protection District accepted the fire plan*** (Appellate Decision, page 36 [emphasis added]).

Once again, the commenters are challenging the conclusions reached by the County's and RSFFPD's fire experts that the Project's fire safety measures will meet the intent of the Fire Code requirement pertaining to dead-end road lengths. The approval of the modification request was based on an extensive assessment by two separate fire agency experts and a comprehensive evaluation included in the FPP and Project Evacuation Plan that included third-party review and concurrence. The necessary findings in the FPP described in detail how the intent of the code was met and that the mitigating measures (PDFs) would exceed the level of safety provided by the original requirement (dead-end road length). The Appellate Court upheld these conclusions, stating that:

> "The EIR's conclusion that Project fire safety measures reduce fire hazards to a level of insignificance is supported by substantial evidence, namely the fire- related expert studies" (Appellate Decision, page 55).

<u>Temporary Refuge at HGV</u>

The commenters incorrectly claim that the 2018 FEIR Project Evacuation Plan considered HGV a suitable temporary refuge because it had a lower fire hazard severity rating at the time. The commenters incorrectly state that the 2018 FEIR assumed the HGV site was considered a lower fire hazard risk because of its moderate severity rating designation at the time. This is incorrect, and overlooks the actual language of the FPP. Instead, the FPP describes the suitability of HGV as *only a temporary refuge site* post-development based on a specific evaluation of the actual site conditions. While HGV was not in a VHFHSZ at the time the report was prepared, the status change has no impact on the potential use of that area as a temporary refuge site (HVG was building out at the time of Project analyses and full buildout of that project as part of baseline conditions was expressly assumed in the 2018 FEIR). The FPP states:

> *The most significant wildfire threat currently is considered to be during Santa Ana conditions with wind-driven wildfire from the northeast/east. However, the Santa Ana threat **is considered minimal post-development because there is a lack of wildland fuels to the northeast/east, which is currently being developed for the Harmony Grove Village project**…The most significant threat for this project would*

> *be a fire started west or southwest of the site in heavy native vegetation* (FPP, page 41 [emphasis added].

Additional discussion of HGV grading and/or lack of vegetation etc. is noted on 2018 FEIR pages S-3; 2.1-6; 3.1.3-9, -21; and 3.1.5-1).

In other words, one of the reasons the HGV site was considered a minimal post-development risk was (as noted in the FPP) at the time of the 2018 FEIR, the HGV site was under development with substantial grading, which resulted in the removal of large amounts of combustible vegetation from the site, and based on development plans, those areas would be replaced with structures and a project-wide landscaping plan. The 2018 FEIR (page 8-50 [emphasis added]) describes HGV as follows:

> *At the time of issuance of the* ***Project's NOP (2015), most of the buildable portion of the HGV site was graded,*** *resulting in a large expanse of raw soil…. Vertical construction of HGV was underway, and home sales had begun. (Vertical construction is still ongoing, with increasing rates of occupancy as additional homes are completed.)*

Thus, based on the County's fire experts, it was determined that removing wildlands fuels was one of the reasons fire risks at this site would be reduced at the post-development stage that allows for *temporary* roadside refuge at the HGV site. This is depicted on Figure 2 of the Project Evacuation Plan available on the HGV South County website as well as above (see discussion under "Evacuation and Emergency Access Have Already Been Analyzed"). As stated in the Appellate Decision, the County is entitled to accept the EIR's and fire officials' conclusions even if other experts provide competing conclusions (Appellate Decision, pages 52 and 55).

With that said, the 2018 FEIR does not *rely* on sheltering in place at HGV as the basis for any of the Project's findings and conclusions regarding fire safety. The Project's Evacuation Plan considered only temporary roadside refuge within HGV's streets, parks, parking lots, and industrial areas as merely *one* possibility of dealing with fire emergencies.

Moreover, the FPP explains that the Project site offers shelter in place as a "last resort option" (FPP, page 41). This is consistent with the San Diego Operational Evacuation Plan (Annex Q) (2022) referred to by the commenter. As explained in the FPP, on-site temporary refuge is available because of the specialized construction materials and methods outlined in Chapter 7A of the California Building Code that was applied to the Project. In certain scenarios, offering shelter in place as a contingency plan is widely recognized for master-planned communities that must be built with more stringent building measures and highly defensible, ignition-resistant fire breaks (FPP Section 5.2.1.2, page 41).

Evacuation Conclusion

Contrary to San Diego County fire experts' judgement, some commenters opine that (based on one more alternative expert), the Project would be unable to evacuate residents. Simply put, the commenter disagrees with the Appellate Court's ruling that the County is entitled to believe its fire officials, who are experts by virtue of their jobs and years of experience, over the opinion of

other experts that provide competing conclusions (Appellate Decision, pages 43 and 55). The Evacuation Plan and fire protection system described in the FPP was developed to provide an acceptable level of risk at HGV South. This was based on a multi-year process that used seasoned fire protection consultants and experienced fire prevention officers at the County Fire Authority and RSFFPD and was reviewed by experienced third-party fire experts from Rohde & Associates. The Project's fire-related documents were reviewed by numerous professional fire prevention and protection personnel with hundreds of years of combined experience. In addition, the County Sheriff's Department indicated their confidence that they can evacuate the entire area (including HGV and Elfin Forest) with the HGV South Project in place. All agreed that HGV South is a defensible community and that contingency options exist if sheltering on site is considered safer than a late evacuation.

But now, the commenters refer to a new fire expert, Thomas J. Cova, contradicting the County's fire experts' opinion. The Appellate Court has stated:

> ''When the evidence on an issue conflict, the decisionmaker is "permitted to give more weight to some of the evidence and to favor the opinions and estimates of some of the experts over the others.'" (Appellate Decision, page 43.)

These are some of the more salient conclusions made by the County's fire experts:

- As indicated by the San Diego County Sheriff's Department during the HGV South Planning Commission Hearing (Planning Commission Hearing [Granicus.com] at approximately four hours 37 minutes), the Department is confident it can evacuate HGV and the Elfin Forest Area

- The Project Evacuation Plan indicates that multiple potential evacuation routes are available to the Project's residents. The "Low" Wildfire Exposure rating given CCD equates to the least potential exposure to wildfire. In this case, the low rating indicates that utilizing CCD is a good option during an evacuation as it has a low exposure potential due to the lack of wildland fuels along the roadway

- The Project Evacuation Plan describes multiple potential routes out of the area; it analyzes six different potential routes and notes that up to three of those routes have low or low to moderate exposures

- The potential evacuation routes are described in the Project Evacuation Plan and the *Wildfire Risk Analysis* (reference documents supplementing the DEIR). The Wildfire Risk Analysis states on page 15: "consultant staff and public safety staff who reviewed the site agreed that four routes of escape, two with strong viability…exist for evacuation"

VMT Guidelines

Several comments state the Project should have conducted a VMT analysis because of the County's adoption of the 2022 TSG. Although the new CEQA Guidelines for VMT became effective in 2020 under SB 743, it would not be considered significant "new information" because

the underlying information was otherwise known or should have been known when the 2018 FEIR was certified. (Olen Properties Corp v. City of Newport Beach, 93 CA5th at 280-281.) In *Olen Properties Corp*, the court held the change in the CEQA Guidelines from level of service to VMT was not significant new information because the underlying issue was known when the Olen EIR was prepared in 2006. The court explained that CEQA Guidelines Section 15064.3 (the section requiring use of VMT to analyze traffic impacts) operates "prospectively" and subsequent changes to the guidelines are not "new information" triggering a subsequent EIR. Otherwise, the court reasoned, any change to the CEQA Guidelines would trigger the preparation of an EIR for every project. Similarly, the issuance of new GHG threshold guidelines did not constitute significant new information because the underlying information related to GHG emissions was otherwise known or should have been known since the 1990s. (Concerned Dublin Citizens v. City of Dublin, 214 Cal.App.4th at 1319, 1320. See also Citizens for Responsible Equitable Environmental Development (CREED) v. City of San Diego [2011] 196 Cal.App.4th 532) [the court found that the effects of GHG on climate change were known or could have been discovered with the exercise of reasonable diligence for an EIR initially certified in the early 1990s].)

Even though preparation of a subsequent EIR would not apply here, *Olen Properties Corp* case is still instructive. First, the courts have relied on PRC Section 21166 and its implementing guidelines for guidance to interpret the meaning of "significant," "new information," and "substantial," to determine whether recirculation would be required. (Laurel Heights Improvement Assn. v. Regents of University of California, 6 Cal.4th at 1125. See also Sutter Sensible Planning, Inc. v. Board of Supervisors [1981] 122 Cal.App.3d 813.) The courts have consistently determined that adoption of new guidelines is not considered significant, new information that would require the preparation of a subsequent, or supplemental EIR. Second, as the *Olen Properties Corp* court determined, VMT information was known as far back as 2006. Therefore, the parties to the original litigation had ample opportunity to raise VMT as an issue. (In fact, Petitioners did raise this issue by stating in their Petition that:

> *The EIR for HGVS failed to make any attempt to quantify either the increase in VMT caused by these projects or transportation-related energy consumption on a cumulative basis. According to calculations prepared by the Town Council, based on evidence in the record, these cumulative projects would cause VMT to increase by 644,739 miles every day, or over 235 million new VMT per year. This is an astonishing impact that must have been, but was not, analyzed as a potentially significant cumulative impact* (Petition, page 22).

It is noted, moreover, that they also raised VMT in 2018 FEIR comment letters (O3a, O3b, and RO6). For example, the Response to Comment O3b-17 stated in part:

> *The VMT calculations utilized a custom SANDAG model run using 450 residential units, consistent with the Project description and land use analyzed in the traffic study. Once the land use is inputted into the model, the SANDAG post-processing algorithm assigns the total vehicular trips expected to leave the Project site to the street system. The algorithm accounts for the synergy of land uses in the surrounding area and multi-modal opportunities. Under the SANDAG model, this would reduce the number of trips generated by the approximately 450 residential uses. The trip generation included in the traffic study, however, is more*

> *conservative in that it is calculated in a vacuum and does not include any reductions for proximity to nearby land uses and alternative transportation means. This results in the SANDAG model effectively generating less ADT than that shown in the EIR traffic study (i.e., 3,549 ADT versus 4,500 ADT). This phenomenon, however, has no effect on the average trip rate derived from this methodology.*
>
> *The trip rate is based on the land use type and the travel patterns of that land use. Any quantity of single-family residential units generated in the location of the Project site would ultimately have arrived at the 7.88 mile-average trip length. The 7.88 miles is representative of single-family residential units specific to the Project location* (2018 FEIR pages RTC-O3b-24 and 25).

VMT was an active topic of discussion during preparation of the 2018 FEIR. Others also raised VMT queries (see for example, 2018 Responses to Comments O7-6, O10-2, and RO1-9), as well as those raised by the same commenters noted above.

The Appellate Court found that the 2018 EIR adequately addressed this issue: "According to the EIR, SANDAG's average trip length is 7.9 miles, and the average distance for Project trips was calculated to be 7.88 miles." Also, "the analysis of the Project's efforts to reduce vehicle emissions through design, location, and minimization of off-site vehicle trips complied with the County's efforts to reduce sprawl and associated emissions" (Appellate Decision, pages 63-64). Therefore, VMT was raised, litigated, and resolved by the courts, and res judicata applies.

Therefore, it is clear that VMT (and the adoption of VMT guidelines) was already well known when the 2018 FEIR was prepared, and the public was not deprived of a meaningful opportunity during the preparation of the EIR to comment upon any potential adverse environmental effect that the Project would have regarding VMT (see CEQA Guidelines Section 15088.5[a]).

Moreover, adopting new guidelines, as explained by the court in *Dublin*, does not change the environmental impact of a project, which would be the same regardless of a newly adopted methodology. The underlying physical impact (injury) on the environment remains the same, which was already addressed in the 2018 FEIR and has not changed because of the VMT Guidelines. (See Petition on page 22 [i.e., "the increase in VMT caused by these projects or transportation-related energy consumption on a cumulative basis"].) The Appellate Court determined that these potential underlying injuries were already adequately addressed in the 2018 FEIR:

> **[W]*e must conclude the Project is consistent****: the EIR evaluated the associated land uses; reflects County's effort to move future development closer to cities, shopping and employment centers; shows the Project is consistent with vehicle mileage projections; and encourages local walking in keeping with the plan* (Appellate Decision, page 66 [emphasis added]).

Therefore, the adoption of VMT Guidelines would not meet the requirement for recirculation as set forth in CEQA Guidelines Section 15088(a). The public had the chance to comment on any major adverse environmental impacts of VMT, which they did. The adoption of CEQA Guidelines did not create new environmental effects. The adoption of VMT Guidelines did not change the

environmental impacts of the project. Finally, res judicata applies here because this exact same issue was raised by the same parties and resolved after years of litigation.

Infill Analysis

As stated in the Readers Guide (2024) and throughout this global response, the 2018 FEIR was found to be legally adequate and sufficient in all respects but the topics addressed in the 2024 recirculation. The assessed adequacy included Transportation/Traffic (including VMT/trip length and consistency discussion). The 2018 FEIR was therefore not recirculated in its entirety for public review. Nevertheless, the Project prepared an Infill Analysis to determine if the Project also met the County's "Infill" requirements, as outlined in Section 3.3.1 of the 2022 TSG. At the time of preparation of Subchapter 2.7 and Attachments, the County was involved in litigation regarding two of its VMT thresholds: (1) "infill" projects proposed to be built within the County's unincorporated villages (the infill threshold), and (2) projects expected to generate no more than 110 automobile trips per day. The California Court of Appeal, Division One, has since held that the evidentiary record developed by the County failed to support the adopted thresholds, and on that basis held the two thresholds were found noncompliant with CEQA. The Court explained that a significance threshold adopted for general use must be supported by substantial evidence (CEQA Guidelines Section 15064.7[b]). In the context of adopting a significance threshold for the entire County, there must be some showing that development consistent with the adopted infill threshold will normally or likely result in an insignificant transportation effect.

However, for the reasons already discussed above, the Project is not required to comply with the County's 2022 TSG, including the requirement to prepare a VMT analysis or in this case, an Infill Analysis. The Project's preparation of an Infill Analysis does not change this conclusion.

Although no longer relevant because of the recent Court of Appeal VMT decision, the Infill Analysis found that the Project would be consistent with the County's infill requirements. The housing density within the infill study area is 818 units per square mile, which is well above the 425 housing units per square mile standard for an Urban Area identified by the U.S. Census Bureau. The HGV Specific Plan area also 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 intersections). A job accessibility analysis was conducted based on the total number of jobs within a 15-mile radius of the Project site, divided by the distance of the job from the Proposed Project site. The Infill Analysis identified thousands of jobs near the Project site.

Cumulative List of Projects

The 2018 FEIR contains a list of the projects considered in the cumulative analysis of the Project. The list identifies 65 cumulative projects within 5 miles of the Project site (Table 1-3, *Cumulative Projects in the Vicinity of the Proposed Project*). Based on these criteria, the new projects mentioned by the commenter are either not relevant or are misleading. For example, Sweetwater Place and Sweetwater Vistas (approved in December 2017) are irrelevant because both projects are located in Spring Valley – approximately 26 miles away from the Project and with substantial urban and suburban development separating them from the Project area. Neither Newland Sierra, Warner Ranch, nor Lilac Hills Ranch are relevant for similar reasons, as they are located

approximately 15 miles, 18 miles, and 10 miles away, respectively, with intervening communities. In addition, the latter three projects will never be constructed because, respectively, the project's approval was rendered invalid, the project application was withdrawn and is not being processed, or the BOS denied the project.

The cumulative list of projects considered in the cumulative analysis was either pending or approved at the time of the Notice or Preparation for the 2018 FEIR within the County and other adjacent jurisdictions. Each technical subject area within the 2018 FEIR Chapters 2.0 and 3.0 analyzed cumulative impacts of the Project in relation to those projects that could potentially combine with the Project to result in cumulatively considerable impacts. A description of the cumulative projects study area relevant to each specific resource topic was included in the analysis identified within each subchapter, and those detailed discussions also constitute unchanged elements of the 2018 FEIR.

8.7.2 Lack of Need for Recirculation

This discussion addresses triggers for recirculation based on CEQA Guidelines (14 California Code of Regulations, Chapter 3) Section 15088.5, which provides criteria considered by a lead agency when deciding whether an EIR must be recirculated. Recirculation is required when "significant new information" is added to the EIR after public notice of the availability of an EIR is given, but before document certification (CEQA Guidelines, Section 15088.5[a].):

> *[n]ew information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement.*

Agencies also recirculate specific portions of previously certified EIRs for approved projects if specific elements of those documents are found inadequate by a court of record during CEQA challenge to that approval.

The HGV South Project was approved, and the FEIR was certified, by the County Board of Supervisors in July, 2018. Following that approval and certification, the Project was challenged in two CEQA actions.[18] Following litigation and appeal, the California Court of Appeal (Court) found that the Project approvals needed to reference affordable housing consistent with California Health and Safety Code Sections 50052.5 and 50053, and that environmental analyses in the 2018 FEIR were adequate in all respects except for one.

That sole environmental analysis element requiring revision was related to GHG mitigation. The issue was resolved during an August 22 through October 7, 2024 public recirculation of EIR Subchapter 2.7, *Greenhouse Gas Emissions*, and a revised technical report (2024 Appendix J to this Final EIR (2025 FEIR), for review and comment.

[18] 37-2018-00042927-CU-TT-CTL and 37-2018-00043084-CU-TT-CTL (limited to consideration of the adequacy of the GHG Mitigation Measures).

Examples of significant new information provided by the CEQA Guidelines include showing that a "new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented," that a "substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted to reduce the impact to a level of insignificance," or that a "feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it." (CEQA Guidelines, Section 15088.5(a)(1)-(3).

It is noted that a number of 2024 commenters contend that recirculation is additionally required due to changed conditions (physical or regulatory), lack of prior analysis, or simple disagreement with the County and Court findings.[19] Some commenters assert that the new information shows that conditions related to fire severity zones, for example, have gotten "worse" even though this underlying condition was known and analyzed. Other commenters claim that new guidelines or significance thresholds have changed since the 2018 FEIR was prepared, requiring a new analysis. Commenters also claim that res judicata does not apply because new information has since become known. Finally, some comments allege the presence of "new conditions" based on incorrect information. These attempts to raise and consequently relitigate the same issue under "new information" are contrary to the interest of judicial efficiency and the principles of res judicata.

After considered review, the County does not agree with the commenters. Rather:

- The "new" information is neither material nor significant (new facts alone are not enough to be considered a "changed condition")
- New significance thresholds are a metric for measuring an environmental impact but do not constitute significant or material new information triggering need for additional or supplemental review of an existing EIR under PRC Section 21166
- Changes in circumstances are not substantial and do not materially alter the situation, including instances where underlying conditions were previously known and analyzed

Comments received in 2024 are noted in the "Consistency with 2018 Analysis" column on the attached table, and are additionally detailed as relevant in Global Response: Res Judicata and New Information.

In short, then, recirculation is not required simply because information is added, or where "the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR" (CEQA Guidelines Section 15088.5[b]). This is consistent with CEQA environmental practice: new information is often added to Final EIRs through CEQA's public review and comment and response process, as well as CEQA's post-Draft EIR requirement that

[19] It is also noted that a very few comments were received noting the need for lower cost/affordable housing. This issue is not addressed in the attached table as it is not an issue associated with environmental impacts for this Project. Affordable housing is, however, a conditioned element of this Project as clarified in the Readers Guide to both the August 2024 recirculation of the Revised FEIR and this 2025 FEIR, as well as Global Response: Reconsideration of General Plan Consistency Determination.

proposed responses to public agency comments be circulated to those agencies. Recirculation is "intended to be an exception rather than the general rule.

The primary challenge to the 2018 mitigation measure was related to ability of the PDS Director to make decisions without a cited rigorous standard, there was no guarantee (indeed, there was a high likelihood) that mitigation would not occur within the County, and questions were raised regarding credit registry legitimacy. The 2024 recirculated mitigation measure retains the goal to attain net zero for GHG emissions impacts remaining after full implementation of the proposed Project design features (PDFs). Rather than attaining net zero through credit purchase as proposed in the 2018 FEIR, however, the Project would mitigate GHG impacts through installation of off-site photovoltaic (PV) panels within the County, consistent with County preference and the California Air Resources Board Scoping Plan, Appendix D.

Implementation standards provide additional rigor and clarity. Implementation of the measure would not (1) result in any new significant impacts; (2) increase the severity of any previously identified significant impact; or (3) affect commitments to implement GHG-related design features.

The table below reviews environmental analyses provided in the 2018 FEIR. Excluding references to Subchapter 2.7, it demonstrates that each 2018 analysis section does not meet the criteria for recirculation quoted above. It also explains why the 2024-recirculated Subchapter 2.7 for GHG does not require additional recirculation. The County carefully considered the new information and changed circumstances raised by the commenters based on the County's expertise to determine whether CEQA would require recirculation of the Project's EIR. Table 8.7.2-1 below demonstrates that the criteria for recirculation were not met. Specific discussion per environmental topic summarizes County review of why the off-site GHG mitigation proposed in 2024 Subchapter 2.7 provided adequate information relative to mitigation minimal effect and exemption and does not require recirculation for other FEIR topics. This is italicized in the table for ease of reader review.

The County relies on its technical expertise, and information that includes the previous record, the updated analysis of Subchapter 2.7, expert memos, technical reports, and the response to comments that include the sources noted for its conclusions that recirculation is not required and its determination as stated above, that the changes fall within the scope of the initial environmental review of the 2018 FEIR.

Table 8.7.2-1
LACK OF NEED FOR RECIRCULATION

Subchapter/Section and Title	2018 Environmental Topics Discussion	Consistency with 2018 Analysis	Recirculation Required
2.1 Aesthetics	Existing Conditions addressed: • Project site visibility/viewshed and landscape units • Visual character of the locale, visual quality, and viewer response based on sensitivity and exposure to the view • Regulatory setting including County planning documents, ordinances, and design policies and guidance Impact analysis addressed: • Guidelines for determination of significance and the rationale for inclusion • Site design and layout; architectural design; massing and scale; retaining walls, privacy walls, sound walls and potential fire walls; consistency with applicable design guidelines; and perceived contrast supported by key views and illustrative simulations • Removal or substantial adverse change of a valued feature (on-site vegetation, overall topographic modification and County Resource Protection Ordinance (RPO)-protected steep slopes with associated cross-sections, slope feature figures and photographs) • Substantial obstruction, interruption or detraction from a valued vista (including from scenic highways, trails in recreational areas, other planned trails, and other panoramic vistas) • Installation of outdoor light fixtures inconsistent with the County Light Pollution Code (LPC)/ conformance with the LPC: - use of nighttime lighting inconsistent with the County LPC or extending onto adjacent property and exceeding code limits - installation of highly reflective building materials (specifically addressing photovoltaic panels) • Cumulative effects No considerable contributions to cumulative impacts were identified. Less than significant Project direct impacts were identified for all issues but two: • Visible contrast with adjoining natural hillsides related to exposure of newly exposed rock and horizontal drainage features. Feasible mitigation to lower this impact to less than significant was proposed and is a condition of Project approval • Construction-period visual effects related to vegetation removal, grading, bridge construction and vertical development prior to vegetation reaching visual maturity. Feasible mitigation could not be identified. A significant and unmitigable impact was identified for this issue	Comments received on visual elements during 2018 public review were responded to, were part of the 2018 FEIR and remain part of this FEIR. There was no CEQA challenge to the 2018 analyses for this issue. See also Global Response: Res Judicata and New Information. Project design has not changed since 2018 circulation. Development design and impact footprint remain the same. The nearby surrounding area, including buildout of adjacent Harmony Grove Village (HGV) as a baseline condition, are consistent with those assumed in analyses. A few comments made in response to 2024 GHG recirculation variously noted grading into steep slopes, community character concerns, and the County's dark sky policy. None of the comments provided new information varying from 2018 Project analyses. Although responses were authored for purposes of clarity, the comments would not change any CEQA conclusions in the 2018 FEIR and are immaterial to this FEIR as they are neither new nor substantial. *CEQA impact conclusions do not change based on off-site GHG mitigation measure implementation. Implementation would occur under a CEQA exemption such as PRC 21080.35. As such (excluding specified exceptions), implementation of the 2024 GHG mitigation measure is exempt from environmental analysis. Aesthetics is not an identified exclusion from the general exemption. For purposes of clarity, however, it is noted that consistent with the 2024 recirculation of Subchapter 2.7, potential visual effects would be less than notable as modern panels are not largely reflective, and they would be installed on an existing commercial/industrial building, within a developed setting. The reader is also reminded that should the initial location of mitigation installation fail to meet exemption criteria in PRC 21080.35, another exemption would be required. In no event would the mitigation move forward without exemption. See additional discussion of exemption use in Global Response: Res Judicata and New Information beginning on page 8-75.* **No revisions to the aesthetics topics, analysis or CEQA conclusions are required.**	**No**

Table 8.7.2-1 (cont.)
LACK OF NEED FOR RECIRCULATION

Subchapter/Section and Title	2018 Environmental Topics Discussion	Consistency with 2018 Analysis	Recirculation Required
2.2 Traffic and Transportation	The 2018 EIR was completed under pre-2020 CEQA Guidelines and associated standards. Existing conditions addressed relevant transportation elements in both the County and City of Escondido: • Roadway characteristics (lanes, capacity and HGV network conditions) • Existing traffic volumes (including those of HGV) • Existing level of service (roadway and freeway segments, intersections) • Regulatory setting Impact analysis addressed: • Guidelines for determination of significance and the rationale for inclusion • Project trip generation (4,530 ADTs), distribution, assignment, and effects: - roadway segments - signalized intersections - unsignalized intersections - freeway mainline segments • Traffic hazards due to an existing transportation design feature • Traffic hazard to pedestrians or bicyclists or equestrians • Alternative transportation • Cumulative effects: - existing plus cumulative plus Project - buildout No significant impacts were identified for freeway mainlines. Significant impacts were identified for: • Direct and/or cumulative impacts in the County for roadway segments and signalized intersections. Feasible mitigation to lower impacts to less than significant are conditions of Project approval • One County cumulative impact to an unsignalized intersection. Feasible mitigation to lower the impacts to less than significant is a conditions of Project approval Direct and/or cumulative impacts in the City for roadway segments and signalized intersections. Mitigation to lower impacts to less than significant in the City was identified for all impacts. Mitigation within the City of Escondido is not within the County's jurisdiction or power to ensure, however, as the City is the CEQA lead agency with jurisdiction over those facilities. Those impacts were identified as significant and unmitigated pending City implementation of the mitigation	Comments received on traffic/transportation during 2018 public review were responded to, were part of the 2018 FEIR and remain part of this FEIR. There was no CEQA challenge to the analysis for this issue. See also Global Response: Res Judicata and New Information. If the 2018 EIR analyses were to be conducted today, Project generation would be reduced from 4,530 to 4,010 ADT, or 520 fewer trips on area roads, as disclosed in Attachment H to Appendix D of the 2018 FEIR. It is also noted that a major upgrade to Citracado Parkway in the City of Escondido has been completed and is now open. Regardless, no adjustment is proposed to impact analyses or required mitigation. The County's Transportation Guidelines relevant to vehicle miles traveled (VMT) were updated in September 2022 in compliance with SB 743. CEQA Guidelines Section 15064.3 (the section requiring use of VMT to analyze traffic impacts) and subsequent changes to the guidelines are not considered "significant new information" that would trigger additional review (see also Global Response Res Judicata and New Information). In fact, the Project met the precise standards required, having been sent out for public review in 2017; that analysis, appropriate in 2018, stands. The Project is not required to comply with the County's current study guidelines, to VMT as an analysis standard, or redo prior VMT analysis (see also discussion under Subchapter 2.7, below). Nonetheless, clarification was provided in both global and individual responses to comments. Please also refer to the Global Responses: Res Judicata and New Information. Some comments made in response to 2024 GHG recirculation generally mentioned "traffic" but provided no additional information. As a specific response could not be provided, the commenter was referred to the comprehensive discussion in FEIR Subchapter 2.2. More specific traffic comments received during 2024 GHG were largely repetitive with prior contentions, or identified issues that were either not new, not substantial, or were immaterial. Queries about overall volumes and impact locations, inclusion of HGV (and other cumulative projects) in Project analyses, etc. were addressed in responses to comments, reminding the reader that traffic generation rates used in impact modeling were conservative (i.e., assumed higher numbers than necessary as disclosed in the 2018 FEIR) and that all significant Project direct and cumulative impacts had mitigation identified. Other traffic-mentioning comments had to do with either VMT or evacuation congestion/concerns (addressed in the paragraph above and/or, respectively, under GHG and Hazards discussions below). Although responses were authored for purposes of clarity, the comments would not change any CEQA conclusions in the 2018 FEIR and are immaterial to this FEIR as they are neither new nor substantial. *CEQA impact conclusions do not change based on off-site GHG mitigation measure implementation. Implementation would occur with a CEQA exemption such as PRC 21080.35. As such (excluding specified exceptions), implementation of the 2024 GHG mitigation measure is exempt from environmental analysis. Traffic/Transportation is not an identified exclusion from the general exemption. For purposes of clarity, however, It is noted that consistent with the 2024 recirculation of Subchapter 2.7, potential transportation effects mitigation installation is anticipated to require no more than six loaded semi delivery trucks for delivery, construction assumes a crew of nine people to install systems over a period of one month, and this would occur in an area already supporting commercial/industrial activities. The reader is also reminded that should the initial location of mitigation installation fail to meet exemption criteria in PRC 21080.35, another exemption would be required. In no event would the mitigation move forward without exemption. See additional discussion of exemption use in Global Response: Res Judicata and New Information beginning on page 8-75.* **No revisions to the transportation/traffic topics, analysis, or CEQA conclusions are required.**	**No**

Table 8.7.2-1 (cont.)
LACK OF NEED FOR RECIRCULATION

Subchapter/Section and Title	2018 Environmental Topics Discussion	Consistency with 2018 Analysis	Recirculation Required
2.3 Biological Resources	Existing conditions addressed: • Land uses • Project vegetation mapping (native and disturbed/non-native habitats) • Jurisdictional waters: - US Army Corps of Engineers (USACE) - California Department of Fish and Wildlife (CDFW) - Regional Water Quality Control Board (RWQCB) - County RPO wetlands • Overall vegetative inventories • Special status plant and animal species • Raptor foraging • Habitat connectivity and wildlife corridors • Escondido Creek, abutting Del Dios Highlands Preserve and nearby Elfin Forest Recreational Reserve • Regulatory setting (federal, state, and local) Impact analysis addressed: • Guidelines for determination of significance and the rationales for inclusion • Sensitive Species: - federally or state endangered or threatened species - state species of concern - County Group A and B plant species - County Group 1 animal species - County Group C and D plant species - County Group 2 animal species - arroyo toad - golden eagle - raptor foraging habitat - core wildlife areas - indirect impacts/edge effects - species not found on site - nesting success • Riparian habitat and sensitive natural communities: - on- and off-site wetland habitat types (both wetlands and uplands) - jurisdictional wetlands/waters	Comments received on biological resources during 2018 public review were responded to, were part of the 2018 FEIR, and remain part of this FEIR. There was no challenge to the 2018 analyses for this issue. The Project site and nearby surrounding area remains in similar condition to that analyzed; no grading or building has taken place and HGV buildout is consistent with that assumed in baseline conditions. Comments in response to 2024 GHG recirculation suggest need for Hermes copper butterfly, Western spadefoot toad, *Brodiaea filifolia*, (thread-leaved Brodiaea) and *Calandrinia breweri* (Brewer's Calandrinia), surveys as well as for "other species." Pre-construction and permitting requirements in the 2018 FEIR will address sensitive species as associated with habitat addressed within Habitat Loss Permit requirements. Appropriate habitat for the toad is absent from the site. The single comment as to plants species may not be relevant as it appears to be a cut and paste from a 2018 comment previously responded to, topically identified as adequate by the court, and not raised in CEQA challenge to the Project. The butterfly, toad and brodiaea were addressed in the 2018 documents and no impacts were identified. Brewer's Calandrinia would have been identified if present during comprehensive vegetation inventories. One comment notes the butterfly and toad categories were changed conditions based on listing categories and expiration of survey period applicability. Identification of species location and mitigation would not vary based on shifting species up or down in terms of sensitivity listing. Comments regarding alternative site use (purchase and permanent set-aside), and concern over Escondido Creek watershed were also received. Some comments also noted that the Project site is within PAMA, although that does not directly require conservation. None of the comments received would materially change Project analyses (i.e., resulting in identification of a new significant impact or deletion of a prior mitigation measure). Readers are referred to more detailed response in the responses to comments to the current FEIR. Although responses were authored for purposes of clarity, the comments would not change any CEQA conclusions in the 2018 FEIR and are immaterial to this FEIR as they are neither new nor substantial. See also Global Response: Res Judicata and New Information. *CEQA impact conclusions do not change based on off-site GHG mitigation measure implementation. Implementation would occur with a CEQA exemption such as PRC 21080.35. As such (excluding specified exceptions), implementation of the 2024 GHG mitigation measure is exempt from environmental analysis. Several items relevant to biological resources are identified as exclusion from the general exemption.[20] None of those potential exclusions pertain to the mitigation proposed for the Project. Consistent with the 2024 recirculation of Subchapter 2.7, solar panels would be installed upon an existing building on existing impervious surface (a roof) within a developed site. No impact to stream courses or water resources would occur. No take permits for species protected under the federal ESA or California ESA are anticipated. No trees at all would be removed. Potential biological effects would be minor as actions would take place within developed areas and within a limited timeframe for construction, after which installation effects would be relatively passive. The reader is also reminded that should the initial location of mitigation installation fail to meet exemption criteria in PRC 21080.35, another exemption would be required. In no event would the mitigation move forward without exemption. See additional discussion of exemption use in Global Response: Res Judicata and New Information beginning on page 8-75.*	**No**

[20] Potential exclusions include: (d.1) An individual federal permit pursuant to Section 401 or 404 of the federal Clean Water Act (33 U.S.C. Sec. 1341 or 1344) or waste discharge requirements pursuant to the Porter-Cologne Water Quality Control Act (Division 7 (commencing with Section 13000) of the Water Code);(d.2) An individual take permit for species protected under the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) or the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code); (d.3) A streambed alteration permit pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code; if (e) installation of a solar energy system occurs at an existing parking lot and involves: (e.1) The removal of a tree required to be planted, maintained, or protected pursuant to local, state, or federal requirements, unless the tree dies and there is no requirement to replace the tree, or (e.2) The removal of a native tree over 25 years old.

Table 8.7.2-1 (cont.)
LACK OF NEED FOR RECIRCULATION

Subchapter/Section and Title	2018 Environmental Topics Discussion	Consistency with 2018 Analysis	Recirculation Required
2.3 Biological Resources (cont.)	- groundwater table - indirect impacts - wetland buffer • Federal wetlands analysis assessed impacts to USACE waters of the US • Cumulative effects • Wildlife movement and nursery sites based on: - wildlife access - local and regional wildlife corridors and linkages - artificial wildlife corridors - indirect effects - adequate corridor width, and adequate visual continuity • Local policies, ordinances, and adopted plans specific to: - percentage of coastal sage scrub - preclusion/prevention of a Natural Community Conservation Planning (NCCP) program, or failure to meet NCCP guidelines - County RPO wetlands - coastal sage scrub habitat loss - regional planning goals and conformance/minimization of impacts - connectivity between areas of high habitat values - maintenance of County Biological Mitigation Ordinance (BMO)-identified corridors - avoidance of Multiple Species Conservation Program (MSCP) narrow endemic species - survival and recovery of listed species in the wild - Migratory Bird Treaty Act - Bald and Golden Eagle Treaty Act • Cumulative effects No considerable contributions to cumulative impacts were identified. Significant Project direct impacts were identified for: • Habitats (upland and wetland, raptor foraging, nesting and foraging). Feasible mitigation measures to lower impacts to less than significant were identified for each impact, and are conditions of Project approval • Riparian habitats/waters (USACE, RWQCB, CDFW, County RPO). Feasible mitigation measures to lower impacts to less than significant were identified for each impact, and are conditions of Project approval • Sensitive species (birds, plants, and migratory birds/destruction of their nests) Feasible mitigation measures to lower impacts to less than significant were identified for each impact, and are conditions of Project approval	**No revisions to the biological resources topics, analysis, or CEQA conclusions are required.**	

Table 8.7.2-1 (cont.)
LACK OF NEED FOR RECIRCULATION

Subchapter/Section and Title	2018 Environmental Topics Discussion	Consistency with 2018 Analysis	Recirculation Required
2.4 Cultural Resources and Tribal Cultural Resources	Existing conditions addressed: • Known area use patterns (on-site/adjacent habitats and associated animals used by Native populations) • Cultural resources sites known within the Project boundary prior to Project surveys • Existing records, report and photographs • On-site survey • Federal, state, and local standards/regulations; including state bills addressing Native American consultation/input Traditional cultural properties information was sought, and Native American consultation was carried out. A Native American monitor also was present during site survey. Impact analysis addressed: • Guidelines for determination of significance and the rationale for inclusion • Both on- and (as appropriate) off-site archaeological resources • Potential for on- and off-site human remains • RPO significant cultural resources • On- and off-site tribal cultural resources • Cumulative effects No significant impacts were identified to known resources (including traditional cultural resources), nor were considerable contributions identified to cumulative impacts. Potentially significant Project direct impacts were identified for: • Potential for impacts to unknown buried archaeological resources and unknown burials both on and off site. Feasible mitigation measures were identified to lower impacts to less than significant and are conditions of Project approval	Comments received on cultural and tribal cultural resources during 2018 public review were responded to, were part of the 2018 FEIR, and remain part of this FEIR. There was no challenge to the 2018 analyses for this issue. The Project site and nearby surrounding area remains in similar condition to that analyzed; no grading or building has taken place and HGV buildout is consistent with that assumed in baseline conditions. *CEQA impact conclusions do not change based on off-site GHG mitigation measure implementation. Implementation would occur with a CEQA exemption such as PRC 21080.35. As such (excluding specified exceptions), implementation of the 2024 GHG mitigation measure is exempt from environmental analysis. Cultural and Tribal cultural resources are not identified exclusions from the general exemption. It is noted, however, that panels would be installed on an existing rooftop of a commercial/industrial building without historical sensitivity. No ground disturbance (which otherwise could result in location of currently unknown resources) would occur. The reader is also reminded that should the initial location of mitigation installation fail to meet exemption criteria in PRC 21080.35, another exemption would be required. In no event would the mitigation move forward without exemption. See additional discussion of exemption use in Global Response: Res Judicata and New Information beginning on page 8-75.* **No revisions to the cultural resources and tribal cultural resources topics, analysis, or CEQA conclusions are required.**	**No**
2.5 Noise	Existing conditions addressed: • Noise descriptors • Existing noise sources, ambient noise levels, and existing noise-sensitive land uses • Federal and County regulatory setting • County Noise Ordinance, Fire Code and relevant Community Plan, and referenced County noise standards for sensitive birds	Comments received on noise analyses during 2018 public review were responded to, were part of the 2018 FEIR, and remain part of this FEIR. There was no challenge to the 2018 analyses for this issue. The Project site and abutting/nearby surrounding development remains in similar condition to that analyzed; no grading or building has taken place on site and HGV buildout is consistent with that assumed in baseline conditions. A few comments generally mentioned “noise” but provided no specific concern. As no specific response could be provided, commenters were referred to the comprehensive discussion in FEIR Subchapter 2.5. Please also see Global Response: Res Judicata and New Information. *CEQA impact conclusions do not change based on off-site GHG mitigation measure implementation. Implementation would occur with a CEQA exemption such as PRC 21080.35. As such (excluding specified*	**No**

Table 8.7.2-1 (cont.)
LACK OF NEED FOR RECIRCULATION

Subchapter/Section and Title	2018 Environmental Topics Discussion	Consistency with 2018 Analysis	Recirculation Required
2.5 Noise (cont.)	Impact Analysis addressed: • Guidelines for determination of significance and the rationale for inclusion • Transportation noise levels (exterior and interior traffic noise impacts to both on- and off-site receptors) • Operational noise levels (residential air conditioners, wastewater treatment and water reclamation facility, Center House/limited commercial uses, and parks) • Construction noise levels (on- and off-site effects, including review of dozer/excavator, rock breaker, rock crusher, potential blasting, potential pile driver or cast-in-drilled holes construction at the Escondido Creek crossing, roadway widening dozer, and off-site utility installation) • Ground-borne vibration/noise • Cumulative effects No considerable contributions to cumulative impacts were identified. Significant Project direct impacts were identified for: • On-site exterior and interior uses for two residences related to transportation noise, and noise related to WTWRF equipment. Feasible mitigation measures were identified for each impact that would reduce impacts to less than significant, which are conditions of Project approval • Property line impacts associated with use of a breaker, rock crusher and potential blasting during construction. Feasible mitigation measures were identified for each impact that would reduce impacts to less than significant, which are conditions of Project approval	*exceptions), implementation of the 2024 GHG mitigation measure is exempt from environmental analysis. Noise is not an identified exclusion from the general exemption. It is noted, however, that panels would be installed on an existing rooftop of a commercial/industrial building in an existing developed setting. Construction would occur within construction-period windows allowed by ordinance. The reader is also reminded that should the initial location of mitigation installation fail to meet exemption criteria in PRC 21080.35, another exemption would be required. In no event would the mitigation move forward without exemption. See additional discussion of exemption use in Global Response: Res Judicata and New Information beginning on page 8-75.* **No revisions to the noise analyses topics, analysis, or CEQA conclusions are required.**	
2.6 Air Quality	Existing conditions addressed: • Regional meteorology/climate/temperature inversions • Air pollutants of concern • Background air quality, • Regulatory setting (federal and state as well as local agencies with jurisdiction, and federal and state air basin attainment status) Impact analysis addressed: • Guidelines for determination of significance and the rationale for inclusion • Conformance to the Regional Air Quality Strategy (RAQS) • Conformance to federal and state ambient air quality standards: - construction period - operational period - concurrent construction and operational period	Comments received on air quality analyses during 2018 public review were responded to, were part of the 2018 FEIR, and remain part of this FEIR. Issues related to air quality modeling and RAQS analyses were specifically litigated as part of the CEQA challenge to the 2018 Project approval. Challenges to the 2018 analyses for this issue were not successful. The Court of Appeal found the Petitioner's allegations to be without merit. See also Global Response: Res Judicata and New Information. The Project site and nearby surrounding development remains in similar condition to that analyzed; no grading or building has taken place on site and HGV buildout is consistent with that assumed in baseline conditions. A few comments mentioning "air," pollution, etc. provided no specific concern, and the commenter was referred to the comprehensive discussion in FEIR Subchapter 2.6. Another noted that GHG emissions would affect air quality. Construction and operational emissions were identified as less than significant in the FEIR and analyses were approved by the Court during CEQA litigation on the Project. Please refer to both the column titled 2018 Environmental Topics Discussion to the left, as well as Global Response: Res Judicata and New Information.	**No**

Table 8.7.2-1 (cont.)
LACK OF NEED FOR RECIRCULATION

Subchapter/Section and Title	2018 Environmental Topics Discussion	Consistency with 2018 Analysis	Recirculation Required
2.6 Air Quality (cont.)	• WTWRF, and a related screening-level health risk assessment/potential for release of aqueous hypochlorite • Traffic-related potential CO concentrations ("CO hot spots analysis") • Construction-related health risk related to diesel particulate matter emissions • Operation-related health risk related to TACs • Odor impacts - construction period - residential and commercial uses - WTWRF • Cumulative effects No Project direct or considerable contributions to cumulative impacts were identified associated with criteria pollutants/health based on Project design and compliance with existing rules for dust control. Project direct and cumulative significant impacts were identified for plan compliance issues of: • Increase in housing units exceeding what was included for the site in the RAQS and that operation of the Project would not conform to the RAQS. Feasible mitigation was identified to remove this planning document impact and is a Project condition. It was also noted, however, that updated housing forecasts are provided to SANDAG for use in revising housing forecasts, and that growth is then included in emissions estimates of the RAQS and SIP prepared by the SDAPCD. Both SANDAG and the APCD are CEQA lead agencies. Although these are ongoing and routine programs, they are beyond the purview of the County to manage or direct. The impact was therefore identified as significant and unmitigated pending inclusion and incorporation into regional modeling by these two agencies	*CEQA impact conclusions do not change based on off-site GHG mitigation measure implementation. Implementation would occur with a CEQA exemption such as PRC 21080.35. As such (excluding specified exceptions), implementation of the 2024 GHG mitigation measure is exempt from environmental analysis. Air quality is not an identified exclusion from the general exemption. It is noted, however, that potential daily construction activities would fall well within those assumed in the 2018 EIR. Criteria pollutants emissions would need to be magnified by 4 to 500 times to reach the analyzed threshold for all emissions but VOCs, which is related to architectural coatings. Architectural coatings would not be part of solar panel installation, so no adverse effect would occur. It is also noted that the Project assumed use of Tier 3 construction equipment where available. Tier 4 is now available in some instances, which could further lower the already less than significant impacts identified for the Project in 2018. The reader is also reminded that should the initial location of mitigation installation fail to meet exemption criteria in PRC 21080.35, another exemption would be required. In no event would the mitigation move forward without exemption. See additional discussion of exemption use in Global Response: Res Judicata and New Information beginning on page 8-75.* **No revisions to the air quality analyses topics, analysis, or CEQA conclusions are required.**	
2.7 Greenhouse Gas Emissions	The 2018 GHG credit purchase mitigation measures were disapproved by the Court relative to potential credit location, registry confirmation, and approval by the Director of PDS.[21] As a result, a new mitigation measure consistent with the Court's ruling was identified. This revised analysis is discussed below, which retains many approved elements of the 2018 document. 2024-circulated existing conditions addressed: • Background topics of climate changes/GHGs introduction • Types of GHGs • Regulatory setting (federal, state, regional, and local acts, bills, executive orders, ordinances, plans, policies and programs)	To the extent that GHG mitigation comments received during 2018 public review did not address credit purchase, those comments were responded to, were part of the 2018 FEIR, and remain part of this FEIR. During the CEQA challenge and appeal process, the 2018 FEIR GHG analysis was expressly found to have "adequately considered the cumulative effect of GHG emissions."[22] GHG 2018 elements assessed as adequate during CEQA litigation include: approach and analysis (including traffic generation information such as ADT and VMT, as well as associated roadway effects); a three-year construction period, with duration of specific construction efforts and specified associated construction equipment; sequestration effects during construction and subsequent landscaping; and CEQA thresholds of significance (net zero GHG emissions taking into consideration GHG reduction measures).	**Yes, 8.22 - 10.7.2024** **No further recirculation is necessary**

[21] Elfin Forest Harmony Grove Town Council et al. v. County of San Diego and RCS, 37-2018-00042927, Court of Appeal, Fourth Appellate District (Division One), filed October 14, 2021. See also Sierra Club v. County of San Diego and Integral Communities, LLC, et al., 37-2018-00043084-CU-TT-CTL, Court of Appeal, Fourth Appellate District (Division One), filed December 21, 2021.
[22] Elfin Forest Harmony Grove Town Council et al. v. County of San Diego and RCS, 37-2018- 00042927, Superior Court of California, County of San Diego; Minute Order dated February 20, 2020, section 1.a.

Table 8.7.2-1 (cont.)
LACK OF NEED FOR RECIRCULATION

Subchapter/Section and Title	2018 Environmental Topics Discussion	Consistency with 2018 Analysis	Recirculation Required
2.7 Greenhouse Gas Emissions (cont.)	• Existing GHG emissions levels • Cumulative condition based on worldwide and national GHG inventory, state and regional GHG inventory and on-site GHG inventory summary discussions The 2024-circulated impact analysis is a cumulative analysis by definition, and addressed: • Guidelines for determination of significance and the rationale for inclusion • GHG emission generation - effects of climate change - Project-specific construction and operational period GHG PDFs • Specific sources of emissions: - area - energy - water use - solid waste - stationary - transportation sources • Effects of construction and operation Project-related GHG emissions • Conflict with plans, policies and regulations adopted to reduce GHG including: - CEQA Guidelines Section 15064.4(b)(3)D - SB 375 - SANDAG's 2050 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) • Infill analysis consistent with recent County guidelines for assessing need for detailed VMT analysis (the Project would be exempt) As a third-party check of Project analyses, a building energy efficiency consultant was retained to calculate the residential energy demand for the Project. They calculated the annual energy use with options achieving: • Compliance with Title 24 Standards (California's Energy Code) • Zero Net Energy (ZNE) standards as defined in the California Energy Commission's (CEC's) 2015 Integrated Energy Policy Report Based on that report, on-site Project solar was capable of offsetting 100 percent of the electrical usage provided in the 2018 Global Climate Change Study, but not all of the Project CO_2e emissions when all Project-related transportation was taken into account. Based on implementation of Project PDFs and code/regulatory compliance no significant impact was identified for plan compliance issues. Significant impacts were identified to: • CO_2e emissions remaining after implementation of all feasible PDFs to lower or offset Project emissions. Feasible mitigation to attain net zero emissions was identified to lower this Project cumulative impact to less than significant and was required as a Project condition	The Project site and abutting/nearby surrounding development remains in similar condition to that analyzed; no grading or building has taken place on site and HGV buildout is consistent with that assumed in baseline conditions. The 2024 GHG recirculation expressly addressed mitigation measure issues identified as inadequate by the Court. A detailed new mitigation measure addressing installation of solar panels on an existing commercial/light industrial building in the County that would not otherwise be required to install such a system was identified; including detail as to timing, responsibility, funding, reporting, insurance, maintenance/repairs, actions in the event that the property changes hands, a necessary covenant to run with the mitigation property land, and details as to required elements in the HGV South Homeowners Association Covenants, Conditions and Restrictions, etc. The County and Applicant also took this opportunity to update the regulatory discussion, strengthen PDFs, and remodel impacts with a more recent CalEEMod version and assuming more effective photovoltaic panels. Comments received on GHG analysis circulated in 2024 addressed the Project significance threshold, mitigation location and infill analysis related to VMT/VMT-related GHG emissions analysis, current state GHG reduction goals, clarification of modeling specifics, references to the County 2024 Climate Action Plan, location outside an established village, and potential cumulative GHG impacts (immaterial here as the Project contribution would be net zero, with no significant contribution to regional issues). Each of these comments identified issues that were either not substantial, or immaterial (incorrect or previously approved by the Court), as detailed in responses to comments provided as part of this FEIR. Please also refer to Global Response: Res Judicata and New Information. *CEQA impact conclusions do not change based on off-site GHG mitigation measure implementation. Implementation would occur with a CEQA exemption such as PRC 21080.35. As such (excluding specified exceptions), implementation of the 2024 GHG mitigation measure is exempt from environmental analysis. GHG emissions are not identified as an exclusion from the general exemption. Consistent with the 2024 recirculation of Subchapter 2.7, it is noted that construction emissions during that one month would generate 4.72 MT CO_2e and after a 30-year amortization, would generate 0.16 MT CO_2e annually. Operationally, the system would avoid 603.61 MT CO_2e annually. Therefore, total avoidance after construction would be 603.45 MT CO_2e (603.61 minus 0.16) annually per MW, or 0.60345 MT CO_2e annually per kW of solar installed. The reader is also reminded that should the initial location of mitigation installation fail to meet exemption criteria in PRC 21080.35, another exemption would be required. In no event would the mitigation move forward without exemption. See additional discussion of exemption use in Global Response: Res Judicata and New Information beginning on page 8-75.* **No additional revisions to GHG analyses topics, analysis, or CEQA conclusions are required.**	

Table 8.7.2-1 (cont.)
LACK OF NEED FOR RECIRCULATION

Subchapter/Section and Title	2018 Environmental Topics Discussion	Consistency with 2018 Analysis	Recirculation Required
3.1.1 Energy	Existing conditions addressed: • Existing energy consumption and generation using units of measure • Overview of energy supply, electricity, natural gas, water-related energy, wastewater service, and transportation • Energy efficiency potential based on infrastructure development, and energy demand reductions • Regulatory setting (federal, state, regional, and local acts, codes, bills orders, guidelines, strategy and plans) Impact analysis identified: • Guidelines for determination of significance and the rationale for inclusion • Review of potentially substantial increase in consumption of non-renewable energy during construction with consideration of Project PDFs • Review of potentially substantial increase in consumption of non-renewable energy during operations with consideration of Project PDFs: - electricity use - natural gas and water demand - wastewater generation - anticipated VMT - diesel needs associated with stationary energy and mobile energy • Potential Project waste of non-renewable energy • Potential inconsistency with adopted plans and policies • Cumulative effects Based on implementation of Project PDFs and code/regulatory compliance no significant Project direct or considerable contributions to cumulative impacts were identified.	Comments received on energy use during 2018 public review were responded to, were part of the 2018 FEIR, and remain part of this FEIR. There was no challenge to the 2018 analyses for this issue. Existing site conditions have not changed relative to energy use. Site energy demands, however, have been lessened. No natural gas use is now proposed on site. Additionally, more electrical generation would occur on site through improved photovoltaic systems. This results in the 2018 Court-approved analysis being more conservative relative to current conditions and potential Project effects. Refer to Global Response: Res Judicata and New Information. *CEQA impact conclusions do not change based on off-site GHG mitigation measure implementation. Implementation would occur with a CEQA exemption such as PRC 21080.35. As such (excluding specified exceptions), implementation of the 2024 GHG mitigation measure is exempt from environmental analysis. PRC 21080.35 is noted as not applying to any transmission or distribution facility or connection, but the Project does not propose such action. Mitigation would install solar panels on an existing commercial/industrial building within a developed setting. It is also noted that, consistent with the 2024 recirculation of Subchapter2.7, the mitigation would result in energy use avoidance, with energy operational effects therefore being beneficial. The reader is also reminded that should the initial location of mitigation installation fail to meet exemption criteria in PRC 21080.35, another exemption would be required. In no event would the mitigation move forward without exemption. See additional discussion of exemption use in Global Response: Res Judicata and New Information beginning on page 8-75.* **No revisions to the energy section analyses topics, analysis, or CEQA conclusions are required.**	**No**
3.1.2 Geology/Soils	Existing conditions addressed relevant issues of: • Regional geology/topography • Site geology/topography • Stratigraphy: - undocumented fill - topsoil - alluvium - colluvium - Escondido Creek granodiorite • Groundwater • Structure/seismicity	Comments received on geotechnical issues during 2018 public review were responded to, were part of the 2018 FEIR, and remain part of this FEIR. There was no challenge to the 2018 analysis for this issue. The Project site and nearby surrounding area remain similar to that analyzed; no grading or building has taken place. Please also refer to Global Response: Res Judicata and New Information. *CEQA impact conclusions do not change based on off-site GHG mitigation measure implementation. Implementation would occur with a CEQA exemption such as PRC 21080.35. As such (excluding specified exceptions), the 2024 GHG mitigation measure is exempt from environmental analysis. Geotechnical issues are not included within the noted exclusions. Mitigation would install solar panels on an existing commercial/industrial building within a developed setting, with no ground disturbance or change to the existing building structure. There would therefore be no change to susceptibility to geotechnical issues. The reader is also reminded that should the initial location of mitigation installation fail to meet exemption criteria in PRC 21080.35, another exemption would be required. In no event would the mitigation move forward*	**No**

Table 8.7.2-1 (cont.)
LACK OF NEED FOR RECIRCULATION

Subchapter/Section and Title	2018 Environmental Topics Discussion	Consistency with 2018 Analysis	Recirculation Required
3.1.2 Geology/Soils (cont.)	• Regulatory setting (building standards, standard specifications for engineering and construction, and County General Plan Safety Element requirements) Impact analysis addressed: • Guidelines for determination of significance and the rationale for inclusion • Seismic ground acceleration (ground shaking) • Liquefaction • Landslides/slope stability • Expansive soils • Corrosive soils • Oversize materials • Cumulative effects Based on implementation of Project PDFs and code/regulatory compliance no significant Project direct or considerable contributions to cumulative impacts were identified.	*without exemption. See additional discussion of exemption use in Global Response: Res Judicata and New Information beginning on page 8-75.* **No revisions to the geology/soils analyses topics, analysis, or CEQA conclusions are required.**	
3.1.3 Hazards and Hazardous Materials	Existing conditions addressed: • Hazardous materials based on site reconnaissance, site and vicinity setting, site and vicinity history, based on: - historic photographs/topographic map review - prior site owner representative interview - previous environmental document review - records review - regulatory database listings - agency/district contacts • Airport hazards • Wildland fire hazards • Regulatory setting - relevant federal, state and local acts, laws/ordinances, regulations and plans focused on hazardous materials and wildfire Impact analysis addressed: • Guidelines for determination of significance and the rationale for inclusion • Hazardous substances: -release of existing hazardous substances -human or environmental exposure to hazardous materials (including both soil and groundwater contamination) -handling and storage of hazardous materials • Demolition of structures that may contain asbestos or lead paint	Comments received on hazards/wildfire/emergency evacuation analyses during 2018 public review were responded to, were part of the 2018 FEIR, and remain part of this FEIR. In addition to Section 3.1.3, detailed global responses were provided in the 2018 FEIR (8.3.3, *Fire Hazards Impact Analysis* and 8.3.4, *Adequacy of Emergency Evacuation and Access*). Issues related to fire starts, evacuation and secondary access were specifically litigated during CEQA challenges to the Project. The challenges to the 2018 analyses for this topic were not successful. The Court of Appeal found the Petitioner's allegations to be without merit. The Project site and abutting development remain in similar condition to that analyzed; no grading or building has taken place on site and HGV buildout is consistent with that assumed in baseline conditions. Comments received during 2024 GHG review were largely repetitive with prior contentions, or identified issues that were either not new, not substantial, or immaterial. These included allegations of general fire risk, evacuation concerns (including assertions regarding worst-case assumptions of numbers of cars on the road), existence of "new" regulations, guidance, etc., and references to a Fire Safe and Low VMT Alternative in the 2024 CAP. For full discussion, see Global Responses: 2024 Fire / Evacuation and Res Judicata and New Information as well as individual responses to comments in this FEIR, as relevant. *CEQA impact conclusions do not change based on off-site GHG mitigation measure implementation. Implementation would occur with a CEQA exemption such as PRC 21080.35. As such (excluding specified exceptions), implementation of the 2024 GHG mitigation measure is exempt from environmental analysis. Hazards and hazardous materials issues are not included within the noted exclusions. Mitigation would install solar panels on an existing commercial/industrial building within a developed setting, with no change to existing associated hardscape, landscape, non-roof existing building structure. Potential fire and (any potential current) hazardous materials handling issues would not be changed. Following the short-term installation period, personnel would be on site only for maintenance, as necessary. There would therefore be virtually no*	**No**

Table 8.7.2-1 (cont.)
LACK OF NEED FOR RECIRCULATION

Subchapter/Section and Title	2018 Environmental Topics Discussion	Consistency with 2018 Analysis	Recirculation Required
3.1.3 Hazards and Hazardous Materials (cont.)	• Wildland fire: - hazards - fire behavior modeling - emergency response and evacuation plans • Detailed fire-related PDFs including (but not limited to): - structure clustering and distance from wildland fuels - restriction of structure height to approximately half that allowed by code - abutting roadway improvements and bridge construction - proximity to the HGV fire station - ignition-resistant landscaping as well as use of plants identified by the County for "Defensible Space" - placement of fire hydrants exceeding code requirements - extensive provision of off-street parking (allowing for clear emergency vehicle access) - proximity to choices to travel west, north or east during evacuations immediately upon leaving Project-improved streets • Airport hazards • Cumulative effects Based on implementation of Project PDFs and regulatory/code compliance, no significant Project direct or considerable contributions to cumulative impacts were identified.	*change to susceptibility to fire, fire starts, etc. issues. The reader is also reminded that should the initial location of mitigation installation fail to meet exemption criteria in PRC 21080.35, another exemption would be required. In no event would the mitigation move forward without exemption. See additional discussion of exemption use in Global Response: Res Judicata and New Information beginning on page 8-75.* **No revisions to the hazards/wildfire/emergency evacuation analyses topics, analysis, or CEQA conclusions are required.**	
3.1.4 Hydrology/Water Quality	Existing conditions addressed: • Watershed and drainage characteristics • Flood hazards • Groundwater • On- and off-site water quality • Regulatory setting (federal, state and local interrelated acts, orders, plans and permits) Impact analysis addressed: • Guidelines for determination of significance and the rationale for inclusion • Drainage alteration • Runoff rates/amounts and related drainage system and/or flood hazards • Hydromodification • Floodplains • Floodwater surface water elevations and related flood hazards	Comments received on hydrology/water quality analyses during 2018 public review were responded to, were part of the 2018 FEIR, and remain part of this FEIR. There was no challenge to the 2018 analyses for this issue. The Project site remains in a similar condition to that analyzed; no grading or building has taken place. Some comments received during GHG recirculation review mentioned impacts on "water" but did not identify specific concerns. As specific responses could not be provided, the commenter was referred to the comprehensive discussion in FEIR Section 3.1.4. Another comment mentions water supply. The Project does not meet the threshold for Water Supply Assessment preparation (500 residential units), but analysis did project supply need over a 20-year planning period and address availability of water during drought years. None of the comments provided new information varying from 2018 Project analyses. Although responses were authored for purposes of clarity, the comments would not change any CEQA conclusions in the 2018 FEIR and are immaterial to this FEIR as they are neither new nor substantial. Please also refer to Global Response: Res Judicata and New Information. *CEQA impact conclusions do not change based on off-site GHG mitigation measure implementation. Implementation would occur with a CEQA exemption such as PRC 21080.35. As such (excluding specified exceptions), implementation of the 2024 GHG mitigation measure is exempt from environmental analysis. Items relevant to hydrological resources/water quality are identified as exclusions from the general exemption.[23] None of those potential exclusions pertains to the Project. Consistent with the 2024 recirculation of Subchapter*	**No**

[23] Potential exclusions include: (d.1) An individual federal permit pursuant to Section 401 or 404 of the federal Clean Water Act (33 U.S.C. Sec. 1341 or 1344) or waste discharge requirements pursuant to the Porter-Cologne Water Quality Control Act (Division 7 (commencing with Section 13000) of the Water Code); (d.3) A streambed alteration permit pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code.

Table 8.7.2-1 (cont.)
LACK OF NEED FOR RECIRCULATION

Subchapter/Section and Title	2018 Environmental Topics Discussion	Consistency with 2018 Analysis	Recirculation Required
3.1.4 Hydrology/Water Quality (cont.)	• Groundwater • Water quality short-term construction impacts - erosion and sedimentation - hazardous materials - demolition-related debris generation - disposal of extracted groundwater • Water quality long-term operation and maintenance impacts: - low impact development (LID)/site design best management practices (BMPs) - source control BMPs - post-construction BMP monitoring maintenance schedules and responsibilities • Drainage to 303(d) list impaired waters or tributaries • Protection of water quality objectives and beneficial uses • Cumulative effects Based on implementation of Project PDFs and code/regulatory compliance, no significant Project direct or considerable contributions to cumulative impacts were identified.	*2.7, solar panels would be installed upon an existing building on existing impervious surface (a roof) within a developed site. No impact to stream courses or water resources would occur. Because there would be no grading, there would not be any discharge or fill material associated during roof-top installation and long-term photovoltaic operation. Runoff would continue to flow from the rooftop with no change to volume or water quality as under existing conditions. Potential exclusions do not apply, and adverse hydrology/water quality effects are not expected. The reader is also reminded that should the initial location of mitigation installation fail to meet exemption criteria in PRC 21080.35, another exemption would be required. In no event would the mitigation move forward without exemption. See additional discussion of exemption use in Global Response: Res Judicata and New Information beginning on page 8-75.* **No revisions to the hydrology/water quality analyses topics, analysis, or CEQA conclusions are required.**	
3.1.5 Land Use and Planning	Existing conditions addressed: • Description of the physical site • Modification of the baseline to incorporate HGV as fully built out given the [then] ongoing construction • Regulatory setting - regional and local land use plans, programs, policies and ordinances/codes - County Board of Supervisors (BOS) policies Impact analysis addressed: • Guidelines for determination of significance and the rationale for inclusion • Analyses of goals, policies and objectives of applicable land use plans • Special focus on San Diego Forward and the County General Plan: - aesthetics - agricultural resources - air quality - biological resources - cultural resources - geology and soils - hazards and hazardous materials - hydrology and water quality - land use and planning (with specific addressal of the Community Development Model (CDM) and consistency with County policy LU-1.1 and LU-1.4)	Comments received on land use and planning analyses during 2018 public review were responded to, were part of the 2018 FEIR, and remain part of this FEIR. In addition to Section 3.1.5, detailed global responses were provided in the 2018 FEIR (see global responses in Sections 8.3.1, *Project Consistency with General Plan Policy LU-1.4* and 8.3.2, *General Plan/Community Plan Amendments CEQA Impact Analysis.* Issues related to village expansion/boundary line and plan conformance, conformity with San Diego Forward, as well as a contention that HGV South was subject to Elfin Forest septic restrictions, were explicitly litigated during the CEQA challenge to the 2018 Project. Challenges to the 2018 analyses for this topic were not successful. Petitioner's allegations were found to be without merit. See also Global Response: Res Judicata and New Information. The Project site and nearby surrounding area remains similar to that analyzed; no grading or building has taken place on site and HGV buildout is consistent with that assumed in baseline conditions. Comments received during GHG recirculation review suggest Project inconsistencies with planning document policies; including development patterns, development outside village boundaries, land use designations, land use density, sprawl, adequacy of public services, consistency with policies included within other elements of the General Plan (e.g., Safety), and both Project specific and General Plan Amendment concerns, as well as concern over perceived commitments by the County regarding potential for growth in the area. None of the comments provided new information varying from 2018 Project analyses. Although responses were authored for purposes of clarity, the comments would not change any CEQA conclusions in the 2018 FEIR and are immaterial to this FEIR as they are neither new nor substantial. Please refer to discussion above, as well as Global Response: Res Judicata and New Information.	**No**

Table 8.7.2-1 (cont.)
LACK OF NEED FOR RECIRCULATION

Subchapter/Section and Title	2018 Environmental Topics Discussion	Consistency with 2018 Analysis	Recirculation Required
3.1.5 Land Use and Planning (cont.)	- mineral resources - noise - population and housing - public services - transportation/traffic - utilities and service systems - GHG - amendment to the General Plan • Elfin Forest and Harmony Grove Portion of the San Dieguito Community Plan: - land use (community growth policy, community conservation and protection, areas of change: development infill and intensification, community facilities, and other topics/issues) - circulation and mobility - conservation and open space - safety - noise - conservation and open space elements - amendments to the Community Plan (with specific discussion of the village boundary line) • County BOS policies I-17, -18, -36, -49, -63. -70, 73, -78, and -84 • Zoning Ordinance • County RPO: - wetlands and wetland buffers - sensitive habitat lands - floodplains - steep slopes (with detailed analysis of the RPO steep slope waiver) - access exception • County Park Land Dedication Ordinance • NCCP program • County Subdivision Ordinance • County LPC • Congestion management plan • Community character • (Lack of) division of an established community • Cumulative effects	*CEQA impact conclusions do not change based on off-site GHG mitigation measure implementation. Implementation would occur with a CEQA exemption such as PRC 21080.35. As such (excluding specified exceptions), implementation of the 2024 GHG mitigation measure is exempt from environmental analysis. Mitigation would install solar panels on an existing commercial/industrial building within a developed setting that would not already be required to support photovoltaic panels (i.e., on an existing building that would not require a permit as part of other improvements). As shown throughout the focused discussions on mitigation implementation throughout this global response, no notable environmental impacts would occur as a result of off-site mitigation. The reader is also reminded that should the initial location of mitigation installation fail to meet exemption criteria in PRC 21080.35, another exemption would be required. In no event would the mitigation move forward without exemption. See additional discussion of exemption use in Global Response: Res Judicata and New Information beginning on page 8-75.* *In fact, mitigation implementation would provide a benefit in line with County planning efforts to decrease use of non-renewable energy sources, increase use of renewable energy sources, and add solar capability to existing structures that would not otherwise be mandated through permit to provide it.* **No revisions to the land use and planning analyses topics, analysis, or CEQA conclusions are required.**	

Table 8.7.2-1 (cont.)
LACK OF NEED FOR RECIRCULATION

Subchapter/Section and Title	2018 Environmental Topics Discussion	Consistency with 2018 Analysis	Recirculation Required
3.1.5 Land Use and Planning (cont.)	Based on Project design and incorporated proposed plan modifications and zoning changes, no significant Project direct or considerable contributions to cumulative impacts were identified.		
3.1.6 Paleontological Resources	Existing conditions addressed: • Geologic formations • Historic fill deposits • Topsoil • Alluvium • Colluvium • Intrusive granitic rocks • State and local standards, goals and ordinances Impact analysis addressed: • A guideline for determination of significance and the rationale for inclusion • Brief discussion as to on- and off-site potential resources • Location of Project elements outside County map areas identified for paleontological monitoring • Cumulative effects Based on low to no potential for soils/formations to contain paleontological remains, no significant Project direct or considerable contributions to cumulative impacts were identified.	Comments received on paleontological resources analyses during 2018 public review were responded to, were part of the 2018 FEIR, and remain part of this FEIR. There was no challenge to the 2018 analyses for this issue. Please refer to Global Response: Res Judicata and New Information. The Project site and nearby surrounding area remain in a similar condition to that analyzed; no grading or building has taken place on site and HGV buildout is consistent with that assumed in baseline conditions. *CEQA impact conclusions do not change based on off-site GHG mitigation measure implementation. Implementation would occur with a CEQA exemption such as PRC 21080.35. As such (excluding specified exceptions), implementation of the 2024 GHG mitigation measure is exempt from environmental analysis. Paleontological resources are not identified exclusions from the general exemption. It is noted, however, that panels would be installed on an existing rooftop of a commercial/industrial building without paleontological sensitivity. The reader is also reminded that should the initial location of mitigation installation fail to meet exemption criteria in PRC 21080.35, another exemption would be required. In no event would the mitigation move forward without exemption. See additional discussion of exemption use in Global Response: Res Judicata and New Information beginning on page 8-75.* **No revisions to the paleontological resources analyses topics, analysis, or CEQA conclusions are required.**	**No**
3.1.7 Population and Housing	Existing conditions addressed: • Lack of on-site residential structures • Lack of applicable regulations to the site Impact analysis addressed: • Guidelines for determination of significance and the rationale for inclusion • Lack of residential removal or population displacement • Cumulative effects Based on lack of on-site housing/residents, no Project direct or contributions to cumulative impacts were identified.	Specific comments on the population and housing section were not received in 2018. There was no challenge to the 2018 analyses for this issue. Please refer to Global Response: Res Judicata and New Information. The Project site and nearby surrounding area remain in a similar condition to that analyzed; no grading or building has taken place on site and HGV buildout is consistent with that assumed in baseline conditions. *CEQA impact conclusions do not change based on off-site GHG mitigation measure implementation. Implementation would occur with a CEQA exemption such as PRC 21080.35. As such (excluding specified exceptions), implementation of the 2024 GHG mitigation measure is exempt from environmental analysis. Population and housing issues are not identified exclusions from the general exemption. It is noted, however, that installation of solar panels on an existing rooftop of a commercial/industrial building would not displace residents or result in housing removal. The reader is also reminded that should the initial location of mitigation installation fail to meet exemption criteria in PRC 21080.35, another exemption would be required. In no event would the mitigation move forward without exemption. See additional discussion of exemption use in Global Response: Res Judicata and New Information beginning on page 8-75.* **No revisions to the population and housing analysis topics, analysis, or CEQA conclusions are required.**	**No**

Table 8.7.2-1 (cont.)
LACK OF NEED FOR RECIRCULATION

Subchapter/Section and Title	2018 Environmental Topics Discussion	Consistency with 2018 Analysis	Recirculation Required
3.1.8 Public Services	Existing conditions addressed service facilities capacities, standards and timing relevant to: • Schools • Fire protection • Police protection • Regulatory setting addressing relevant: - state bills/codes - local ordinance/code - BOS policy - General Plan elements - permitting Impact analysis addressed: • A guideline for determination of significance and the rationale for inclusion • Addressed schools, fire protection and police protection • Cumulative effects Based on payment of developer fees, taxes and/or service fees no significant Project direct or considerable contributions to cumulative impacts were identified.	Comments received on public services during 2018 public review were responded to, were part of the 2018 FEIR, and remain part of this FEIR. There was no challenge to the 2018 analyses for this issue. Please refer to Global Response: Res Judicata and New Information. The Project site and nearby surrounding area remain in a similar condition to that analyzed; no grading or building has taken place on site and HGV buildout is consistent with that assumed in baseline conditions. A number of comments received during GHG recirculation review voice concern over the Harmony Grove fire station not having been built by HGV. The comments do not provide new information varying from 2018 Project analyses. Although responses were authored for purposes of clarity, the comments would not change any CEQA conclusions in the 2018 FEIR and are immaterial to this FEIR as they do not relate to the HGV South Project (which would pay appropriate fees), and are neither new nor substantial. Please refer to discussion above, as well as Global Response: Res Judicata and New Information. *CEQA impact conclusions do not change based on off-site GHG mitigation measure implementation. Implementation would occur with a CEQA exemption such as PRC 21080.35. As such (excluding specified exceptions), implementation of the 2024 GHG mitigation measure is exempt from environmental analysis. Public services issues are not identified exclusions from the general exemption. It is noted, however, that installation of solar panels on an existing rooftop of a commercial/industrial building would not result in additional population requiring school, fire, or police services. The reader is also reminded that should the initial location of mitigation installation fail to meet exemption criteria in PRC 21080.35, another exemption would be required. In no event would the mitigation move forward without exemption. See additional discussion of exemption use in Global Response: Res Judicata and New Information beginning on page 8-75.* **No revisions to the public services analyses topics, analysis, or CEQA conclusions are required.**	**No**
3.1.9 Recreation	Existing conditions addressed: • Existing parks and recreational facilities • Regulatory setting: - state act and local plan elements/goals - Zoning Ordinance related to usable open space regulation - Trails Master Plan - County Park Land Dedication Ordinance (PLDO) Impact analysis identified: • Guidelines for determination of significance and the rationale for inclusion • Project proposed recreational amenities • PLDO compliance • Cumulative effects Based on Project design (inclusion of both private and public use recreational amenities), dedication of on-site public park land and recreational amenities, and fee payment, no significant Project direct or considerable contributions to cumulative impacts were identified.	Comments received on recreation analyses during 2018 public review were responded to, were part of the 2018 FEIR, and remain part of this FEIR. There was no challenge to the 2018 analyses for this issue. Please refer to Global Response: Res Judicata and New Information. The Project site and nearby surrounding area remain in a similar condition to that analyzed; no grading or building has taken place on site and HGV buildout is consistent with that assumed in baseline conditions. *CEQA impact conclusions do not change based on off-site GHG mitigation measure implementation. Implementation would occur with a CEQA exemption such as PRC 21080.35. As such (excluding specified exceptions), implementation of the 2024 GHG mitigation measure is exempt from environmental analysis. Recreational issues are not identified exclusions from the general exemption. It is noted, however, that installation of solar panels on an existing rooftop of a commercial/industrial building would not result in additional population requiring new, or otherwise affecting existing, recreational resources. The reader is also reminded that should the initial location of mitigation installation fail to meet exemption criteria in PRC 21080.35, another exemption would be required. In no event would the mitigation move forward without exemption. See additional discussion of exemption use in Global Response: Res Judicata and New Information beginning on page 8-75.* **No revisions to the recreation analyses topics, analysis, or CEQA conclusions are required.**	**No**

Table 8.7.2-1 (cont.)
LACK OF NEED FOR RECIRCULATION

Subchapter/Section and Title	2018 Environmental Topics Discussion	Consistency with 2018 Analysis	Recirculation Required
3.1.10 Utilities and Service Systems	Existing conditions addressed: • Water supply (service provider, and applicable plans) • Wastewater management (potential service provider and system, including the existing HGV facility located within approximately 550 feet of the Project) • Regulatory setting (state bills and executive orders, regional plans, and local policies and ordinances) Impact analysis addressed: • Guideline for determination of significance and the rationale for inclusion • Regional potable water supply: - demand in normal year conditions • Project water supply: -demand in normal year conditions -recycled water -drought condition issues -water supply facilities • Wastewater: - projected Project needs - approaches for service (annexation into the County district serving HGV, and an on-site collection system and new on-site WTWRF) • Cumulative effects Based on supply analyses and existing and Project-proposed facilities, no significant Project direct or considerable contributions to cumulative impacts were identified.	Comments received on utilities and service systems related to water supply and wastewater treatment analyses during 2018 public review were responded to, were part of the 2018 FEIR, and remain part of this FEIR. There was no challenge to the 2018 analyses for this issue. The Project site and nearby surrounding area remain in a similar condition to that analyzed; no grading or building has taken place on site and HGV buildout is consistent with that assumed in baseline conditions. A few comments received during GHG recirculation review noted concern over drought/water use. None of the comments provided new information varying from 2018 Project analyses. Although responses were authored for purposes of clarity, the comments would not change any CEQA conclusions in the 2018 FEIR and are immaterial to this FEIR as they are neither new nor substantial. Please refer to discussion above, as well as Global Response: Res Judicata and New Information. *CEQA impact conclusions do not change based on off-site GHG mitigation measure implementation. Implementation would occur with a CEQA exemption such as PRC 21080.35. As such (excluding specified exceptions), implementation of the 2024 GHG mitigation measure is exempt from environmental analysis. Utilities issues and service systems are not identified exclusions from the general exemption. It is noted, however, that installation of solar panels on an existing rooftop of a commercial/industrial building would not result in increased water or wastewater generation within the building. The reader is also reminded that should the initial location of mitigation installation fail to meet exemption criteria in PRC 21080.35, another exemption would be required. In no event would the mitigation move forward without exemption. See additional discussion of exemption use in Global Response: Res Judicata and New Information beginning on page 8-75.* **No revisions to the utilities and service systems analyses topics, analysis, or CEQA conclusions are required.**	**No**
4.0 Alternatives	The chapter addressed the rationale for alternative selection. Project objectives, and alternatives were assessed: Considered but rejected from further study (alternative location, and steep slope avoidance) were assessed prior to full evaluation of six alternatives. • Alternatives considered by rejected from further study: - alternative location - steep slope avoidance • Build alternatives: - no project/no development - general plan consistent with septic - general plan consistent with sewer - senior care traffic reduction - biologically superior - off-site and combined on-/off-site sewer options	Comments received on alternatives analyses during 2018 public review were responded to, were part of the 2018 FEIR, and remain part of this FEIR. This includes the "Harmony Commons Alternative/ Council Alternative specifically addressed in 2018 RTC O3a-50. Issues related to need for additional alternatives (and in particular a proposal termed "Harmony Commons") were explicitly litigated during the CEQA challenge to the Project. Challenges to the 2018 analyses for this topic were not successful. Petitioner's allegations were found to be without merit. See also Global Response: Res Judicata and New Information. *CEQA Project design alternatives do not change based on off-site GHG mitigation measure implementation that would not result in significant impacts. This is the case for the HGV South Project, as discussed above for each CEQA FEIR topic. Implementation would occur with a CEQA exemption such as PRC 21080.35, and the Alternatives analysis is not affected. The reader is also reminded that should the initial location of mitigation installation fail to meet exemption criteria in PRC 21080.35, another exemption would be required. In no event would the mitigation move forward without exemption. See additional discussion of exemption use in Global Response: Res Judicata and New Information beginning on page 8-75.* **No revisions to the alternatives analyses topics, analysis, or CEQA conclusions are required.**	**No**

Table 8.7.2-1 (cont.)
LACK OF NEED FOR RECIRCULATION

Subchapter/Section and Title	2018 Environmental Topics Discussion	Consistency with 2018 Analysis	Recirculation Required
4.0 Alternatives (cont.)	Alternatives analysis: • Compared each of the full build alternatives to the Proposed Project relative to objectives • Assessed whether full build alternatives would lower significant impacts identified in FEIR Subchapter 2.0 • Wastewater treatment alternatives looked at each of those same technical areas as compared to each other • An environmentally superior alternative other than the No Project was identified		

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8.7.3 Reconsideration of General Plan Consistency Determination

This response addresses comments received as a part of the recirculation of Subchapter 2.7 of the 2018 FEIR and the 2024 Global Climate Change Report prepared by Ldn Consulting, Inc. (2024 Recirculated Subchapter 2.7 and Attachments). Some commenters assert that the County of San Diego (County) should reassess the Project's consistency with the policies in the General Plan and Elfin Forest and Harmony Grove San Dieguito Community Plan (Community Plan), confusing the issue of legislative discretion with res judicata. This global response addresses the discretion of the Board of Supervisors (Board) to approve or deny the Project and the effect of res judicata on comments received regarding the Project's consistency with the General Plan. Finally, this global response includes a discussion regarding the Project's consistency with the County's relevant General Plan policies with the addition of affordable housing units to the Project. (See also the related Global Response: Res Judicata and New Information.)

To set the appropriate context for this global response, the Board approved entitlements for the Project and certified its FEIR on July 25, 2018. Among these entitlements were amendments to the County's General and Community Plans that changed the designation of the Project site from Semi-Rural to Village, reclassified permitted uses, and made associated changes to the Community Plan to implement the Project. The Project did not result in any changes or amendments to any of the policies of the County's General Plan, as adopted in 2011; instead, it applied the existing General Plan policies to the Project.

After several years of litigation, the California Court of Appeal, Fourth Appellate District, Division One (Appellate Court) determined that the Project's lack of an affordable housing component was inconsistent with General Plan policies related to a mandatory commitment to provide affordable housing.[24] (Elfin Forest Harmony Grove Town Council et al. v. County of San Diego and RCS, 37-2018-00042927 [Appellate Decision], page 73.) However, the Appellate Court still found the Project consistent with the Community Plan and SANDAG's Regional Plan[25] (Appellate Decision, pages 3 and 67). Finally, the Trial Court found that the Project was consistent with the County's General Plan, Community Development Model, and Policy LU 1-4 (expansion of an existing village), which the Appellate Decision did not overturn. The Trial Court stated:

> *The Harmony Grove Project is designed to conform to the existing topography, centers development close to Harmony Grove Village to place a greenbelt next to the Del Dios Preserve, will be accommodated by the General Plan's Road network, and will not result in the reduction of services to other residents. It seeks to preserve the community character by, among other things, by (*sic*) replicating the existing rural, farmhouse style homes and is contiguous with Harmony Grove Village* (Superior Court of California, County of San Diego, Judge Bacal, filed July 21, 2020, Trial Court Decision, pages 6-7).

[24] The Appellate Court also found that the 2018 FEIR complied with CEQA except for one issue related to its GHG mitigation measure.

[25] Although the Appellate Court decision was ordered not to be published, references herein are for informational purposes and can also be cited or relied on when the opinion is "relevant under the doctrines of law of the case, res judicata." (CA Rule of Court 8.1115[b].)

The matter was sent back to the Trial Court to issue a revised writ of mandate based on the Appellate Decision. On October 19, 2022, the Trial Court issued a revised order (Revised Order) requiring the County to rescind the Project's entitlements and the 2018 FEIR because of the remaining issue related to CEQA (the GHG mitigation measure) and the affordable housing issue pertaining to the General Plan. On December 14, 2022, the Board adopted a resolution to comply with the lower Court's Revised Order.

8.7.3.1 *Discretion of the Board of Supervisors*

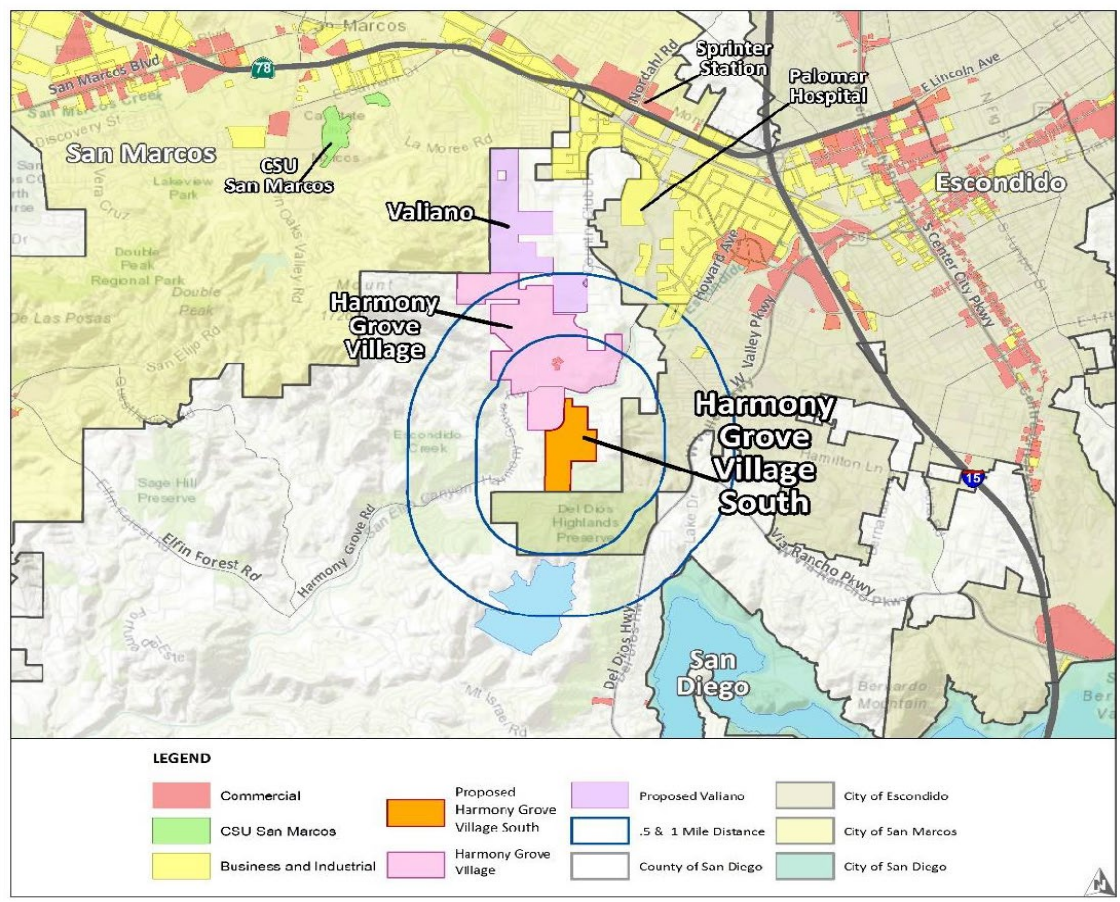
The commenters have requested the Board to reconsider its previous decision to approve the Project. They are raising the same claims about the Project's inconsistency with the General and Community Plans that were raised in the original lawsuit. The commenters also contend that the Project has no vested right to develop the site at its proposed densities; therefore, the County retains its legislative discretion to deny the Project because of its inconsistencies with the General and Community Plans.

The County agrees that the Board has the discretion to approve or deny the Project. It is well settled by caselaw, that a legislative body's determination that a project is consistent with the general plan carries a strong presumption of regularity and will not be overturned unless the agency has abused its discretion, or if findings do not support the determination or are not supported by substantial evidence. Case law provides great deference to an agency's determination that a project is consistent with its general plan. The courts consider legislative bodies adopting general plans as having a "unique competence" to interpret their policies. (No Oil, Inc. v. City of Los Angeles [1987] 196 Cal.App.3d 223, 243; also Eureka Citizens for Responsible Gov't v. City of Eureka [2007] 147 CA4th 357, 373.) The term "substantial evidence" in this instance, means that a determination of general plan consistency will be reversed only if, based on the evidence before the local governing body, "a reasonable person could not have reached the same conclusion." (No Oil, Inc. v. City of Los Angeles, 196 Cal.App.3d at 243.)

Although a legislative body's decision carries a strong presumption of regularity, it cannot be made arbitrarily, capriciously, or without evidential support. (No Oil, Inc. v. City of Los Angeles, 196 Cal.App.3d at 243.) With that in mind, the County prepared a Project consistency analysis, which found that the Project was consistent with the policies of the General and Community Plans. (Please refer to Global Response: Project Consistency with General Plan Policy LU-1.4 in 2018 FEIR Section 8.3.1, and to the HGV South Specific Plan, Section VI "General Plan Consistency Analysis.") As described above, except for the issue of affordable housing, the courts found the Project to be consistent with the General Plan, Community Plan, and SANDAG's Regional Plan, as well as the Community Development Model and Policy LU 1-4 (expansion of an existing village). The County concluded that the Project is consistent with the County General Plan and will help meet a projected long-term regional need for housing.

The County also determined that the Project had substantial overriding benefits related to regional planning because its location is well-suited for regional growth and is not in an isolated rural area. The Project site is in close proximity to incorporated cities with a population over one million (one-third of the County) which support 600,000 jobs. The Project site is in proximity to two cities: it is south of San Marcos and southwest of Escondido. Within 3 miles to the north is the Nordahl Sprinter station in San Marcos and the Escondido Transit Center is located to the east. The Project

is also within 1 - 2.5 miles southwest of a confluence of regional transportation connectors (Interstate 15 and State Route 78) as well as a concentration of urban and mixed land uses that include Palomar Hospital, Stone Brewery, numerous "big box" retail stores with surrounding retail, apartment complexes, multiple mobile home parks, a large-scale (eighteen-brand) automobile mall, and expansive light-industrial/commercial employment center (Escondido Research and Technology Center). California State University San Marcos is also located south of East Barnham Drive and across South Twin Oaks Valley Road from the Kaiser Permanente San Marcos Medical Center. (See the diagram below, illustrating adjacent development and urban uses, included in the County's staff report for the Project in 2018.)



Moreover, in deciding to approve the Project, the Board considered the many benefits that the Project would provide, including: (1) additional housing for County residents, (2) increased property tax revenue, (3) opportunities for construction employment, (4) proximity to existing employment opportunities, (5) supporting an existing village and community, (6) recreational benefits of new parks and multi-use trails, (7) biological open space, and (8) enhanced environmental quality and safety of Escondido Creek through construction of roadway bridge. Each of these benefits formed the basis for approving the Project (County Planning Commission Staff Report 2018).

Courts have upheld overriding considerations that were based on a variety of policy considerations including, but not limited to, new jobs, a more substantial tax base, and implementation of an

agency's economic development goals, growth management policies, redevelopment plans, the need for housing and employment, conformity to community plan, and provision of construction jobs. See Towards Responsibility in Planning v. City Council (1988) 200 Cal.App.3d 671; Dusek v. Redevelopment Agency (1985) 173 Cal.App.3d 1029; City of Poway v. City of San Diego (1994) 15 Cal.App.3d 1037; and Markley v. City Council (1982) 131 Cal.App.3d 656.

Res Judicata

Several commenters are raising issues that the courts have already resolved. While the commenters are correct that the Board has the discretion to determine if a project is consistent with its General Plan, if the Board were to subsequently approve the Project, finding it consistent with the General and Community Plans, its decision would be governed by res judicata in that the same issues related to consistency could not be raised again. (Atwell v. City of Rohnert Park [2018] 27 Cal.App.5th 692.) The Court of Appeal in *Atwell* applied the principles of res judicata to both CEQA and planning and zoning law claims. The Court in *Atwell* held that res judicata prohibits a legislative body's prior decision that a project was consistent with the General Plan from being challenged in a subsequent action, even if the consistency issue was not explicitly argued in the prior litigation. It was enough for the *Atwell* Court that the litigants raised the consistency issue in the previous lawsuit. Nor did it matter to the Court that the legislative body would adopt a new consistency finding. The Court pointed out that the project remained unchanged and that the prior and current resolutions found the project consistent with the General Plan. The revisions made to the EIR addressed issues that the Trial Court found to be deficient in the original EIR, and these changes were unrelated to the consistency issues related to the General Plan that were raised by the appellants. The Court, therefore, found that the appellant's assertions were not based on changed material facts but instead raised the same claims as those raised before.

Res judicata is intended to preclude parties or people from relitigating the same cause of action that a court of competent jurisdiction has finally determined. As a general principle, res judicata prevents "inconsistent rulings, promotes judicial economy by preventing repetitive litigation, and protects against vexatious litigation" (Federation of Hillside & Canyon Assns. v. City of Los Angeles [2004] 126 Cal.App.4th 1180, 1205). Please also refer to Global Response: Res Judicata and New Information for additional discussion.

Several comments raise consistency issues that have been previously litigated and resolved by the courts, including: locating high-density development outside the village boundary, violating Policies LU-1.4, LU-1.2, and LU-1.5, among others, and approving new developments that will cause urban residences to outnumber rural residences in the community. Commenters also assert again that new development in the Harmony Grove planning area requires on-site septic systems, even though the Appellate Court stated that this requirement applied to the Elfin Forest community, not Harmony Grove, and therefore not the Project. The Appellate Court explained that "[t]he San Dieguito Community Plan covers two distinct planning areas, one known as Elfin Forest and the other known as Harmony Grove, and the Project is in Harmony Grove…" (Appellate Decision, page 76). Even though the commenter cites a different policy this time, res judicata bars the litigation of issues that could have been raised but were not in the previous litigation. If this policy was believed to be relevant it should have been asserted in the previous litigation but was not. (Note, however, that it is not relevant as, again, this policy applies to the Elfin Forest community, not Harmony Grove.) Refer to Global Response: Res Judicata and New Information.

The Trial Court upheld the County's previous finding that the Project was consistent with the General Plan by expanding development adjacent to an existing village. The Trial Court specifically found that the Project met the requirements of General Plan Policy LU-1.4, which the Appellate Court did not overturn. The Appellate Decision reiterated that the County's consistency determination is entitled to deference as an extension of a planning agency's "unique competence to interpret [its] policies when applying them in its adjudicatory capacity" (Appellate Decision, page 69).

In fact, the County and then the courts have previously determined that the Project was consistent with the policies of both the General and Community Plans, except for General Plan policies pertaining to affordable housing, which the Project has now corrected. Please refer to 2018 Global Responses: Project Consistency with General Plan Policy LU-1.4 and General Plan/Community Plan Amendments CEQA Impact Analysis, which directly addressed policies LU-1.4 and LU-1.2, respectively. These responses remain current and accurate. Please refer also to Response to Comment PCO4b-2 of the Shute Mihaly Weinberger/Elfin Forest Harmony Grove Town Council May 23, 2018, letter on the County website, which expressly addressed these issues.

The commenter incorrectly states that the Project did not consider the County's recently adopted 2024 Climate Action Plan Update (CAP). Although not moving forward under the CAP, the Project's consistency with the CAP's specific policies is described in the 2024 Recirculated Subchapter 2.7 and Attachments. The Project would achieve net zero emissions, thereby directly achieving the overarching CAP objectives to reduce greenhouse gas (GHG) emissions to net-zero (Goal 3), which is also consistent with Senate Bill 32 and Assembly Bill 1279. The Project also included project design features and changes to its GHG mitigation measure to be consistent with the 2022 Scoping Plan and the policies of the CAP. For instance, consistent with Policy E-2, the Project will require electric appliances and install electric vehicle charging stations in each home. Consistent with Policy E-3, the Project's revised GHG mitigation measure requires installing a photovoltaic system on an existing building within the County, which is not otherwise mandated to occur.

The County disagrees with the commenter's statement that the Project conflicts with CAP policies. The CAP encourages:

> *strategically 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* (CAP, page 11).

As described above, the County determined that the Project is not located within an isolated rural area. The Project's residents will live near major employment, shopping centers, and viable transportation options. The Project has been found consistent with General Policy LU-1.4 by locating development contiguous with an existing village - Harmony Grove Village. The County also found there would be sufficient infrastructure to serve the Project, with which the Court concurred. Refer also to 2018 Global Responses: Project Consistency with General Plan Policy LU-1.4 and General Plan/Community Plan Amendments CEQA Impact Analysis, which directly addressed relevant policies LU-1.4 and LU-1.2, as noted above.

The County also disagrees with the commenter's statement that the Fire Safe and VMT Efficient Alternative (Alternative) would halt all development of areas outside the Smart Growth Overlay. As stated in the CAP Update (CAP Final SEIR at 5-25 [emphasis added]):

> *Because of the limited geography within this area and because the County would not prohibit development of properties outside of the fire safe and VMT efficient overlay,* ***it is assumed for the purpose of this analysis that half of the growth that would have occurred outside of the overlay would instead be developed in these areas.***

Although the Board "adopted" this Alternative , staff would need to "integrate" the Alternative into existing, ongoing planning efforts within Planning & Development Services, such as the Sustainable Land Use Framework. This could involve new technical studies, program development, outreach, and environmental review to support incorporation of the Alternative into existing County programs and initiatives as a component (Statement of Proceeding, Minutes of the September 11, 2024, meeting of the Board). At this point, the integration and final form of the Alternative have yet to be finalized. In any event, the assertion that the Project conflicts with the adopted CAP policies is incorrect. The Project does not conflict with the CAP and will not have a significant impact on GHG emissions because once mitigated it will have net zero emissions.

The commenter states that the Project conflicts with "current County safety, transportation, and climate change policies." The Project does not conflict with the updated Safety Element policies described in the comment. Moreover, the modifications to the Fire Code that are referenced are minor, the Project Fire Protection Plan (FPP) and Project Evacuation Plan include a suite of measures that achieve an equivalent level of safety to providing secondary access; therefore, the Project achieves the intent of this key issue. Topics of Safety Element Policies S-2.1 regarding fire protection plans and S-4.5 regarding access roads are discussed further in Responses to Comments ReO6a-58, ReO6a-60, and ReO6a-61 as well as Global Response: 2024 Fire / Evacuation; the Project is consistent with the FPP Guidelines aside from formatting changes and with the current Fire Code modification regulations. Safety Element Policies S-2.3 and S-6.3 do not apply to an individual project, such as HGV South, as they relate to community-wide planning documents and analyses. Similarly, Safety Element Policies S-1.8 and S-3.3 require updates to be made by the County, not an individual project. In any event, the adoption of new policies alone is not enough to be considered a "changed condition" that would void the application of res judicata; instead, the "changed" condition must be "material" or significant (Atwell v. City of Rohnert Park, 27 Cal.App.5th at 701). (See also Federation of Hillside & Canyon Assns. v. City of Los Angeles, 126 Cal.App.4th at 1180.) Please also refer to Global Response: Res Judicata and New Information; even changes in law do not mean that res judicata no longer applies. The Project is consistent with the current regulations, and no conflict with the updated Safety Element has been identified in the comments. Please also refer to Global Response: 2024 Fire / Evacuation.

Therefore, the doctrine of res judicata means that matters related to the Project's consistency with County plans, except for issues related to affordable housing, cannot be relitigated, providing a level of certainty to the County's actions should the Project be approved again. Finally, the reasons for previously approving the Project remain true today.

8.7.3.2 *Affordable Housing*

The County has added an affordable housing component to the Project as a condition of the Project's Specific Plan and Vesting Tentative Map approvals. The following condition has been added to the approval for the Project's Specific Plan.

> The Project will include an affordable housing component that requires 10 percent of the Project's total dwelling units to be constructed on site as affordable housing (as defined by California Health and Safety Code Sections 50052.5 and 50053), consisting of 5 percent reserved as affordable for low-income households and 5 percent reserved as affordable for moderate-income households. The Developer and the County shall enter into an Affordable Housing Agreement prior to the approval of the final map for the Vesting Tentative Map that will be recorded against the land and require the Project to meet the Developer's obligation to provide low and moderate-income housing prior to the issuance of the certificate of occupancy for the 295th market unit within the Project site. The Agreement shall include documentation demonstrating the location(s) within the Project site where the Developer may decide to construct the affordable units, subject to the final approval of the County. The Affordable Housing Agreement shall also set forth the following: the total number of units to be constructed, the number of years the occupancy restrictions will remain in place, the affordability restrictions for such units, and any other reasonable provision the County may require to ensure implementation. Compliance with the Developer's obligation to provide such housing will consist of 10 percent of the Project's total dwelling units as on-site affordable housing (as defined by California Health and Safety Code Sections 50052.5 and 50053) consisting of 5 percent reserved as affordable for low-income households and 5 percent reserved as affordable for moderate-income households. The parties hereto agree that the County may withhold building permits should the Developer fail to comply with this condition or satisfy the terms of this Agreement.

With the addition of the above-described condition, the Project will include an affordable housing component consistent with the County's General Plan Policy H-1.9. The Project will provide a mix of housing types, including market rate and affordable housing units, to meet a range of housing needs for existing and future unincorporated County residents. Moreover, the proposed conditions will ensure that the Project would expand the County's housing supply, including additional affordable housing, consistent with the General Plan policies that encourage the development of housing opportunities for persons from all economic segments of the community and provide a mix of housing choices as a part of the village (see County General Plan Goal H-1). Moreover, the Project will provide well-designed residential neighborhoods that respect the unique local character and the natural environment while expanding opportunities for affordable housing (see Goal H-2).

Although the County does not currently have an Inclusionary Housing Ordinance, the Trial and Appellate Courts have held that such an ordinance is unnecessary for a project to include an affordable housing component. In any event, on August 28, 2024, the Board heard and considered the adoption of an Inclusionary Housing Ordinance that would apply to new housing development in the County's unincorporated areas. The Board directed staff to return with options that took into

consideration a number of factors, including determining the minimum number of affordable housing units and the affordability level of those units that would be required for general plan amendment projects.

As of this date, the County has not adopted an Inclusionary Housing Ordinance, so there is no specific set-aside requirement. However, the County conducted an economic analysis to evaluate and identify feasible options for affordable housing projects in accordance with the direction above. The Board directed staff to develop an inclusionary housing program that captures land value increases resulting from General Plan Amendment (GPA) projects seeking substantial increases in residential density. The set-aside requirement will be based on a minimum percentage of units at certain affordability levels. The current range of options includes some variation of affordable units requiring from 5 percent at extremely low-income levels to 15 percent at moderate-income levels (see Table 1 of the Draft Inclusionary Housing Ordinance). For example, if the set-aside requirement is 10 percent low-income-affordable units, a project proposing 30 units must provide 3 low-income units, with 27 units remaining at market rate. As described above, the Project proposes constructing 10 percent of the Project's total dwelling units as on-site affordable housing, consisting of 5 percent reserved for low-income households and 5 percent reserved for moderate-income households. Thus, the Project would also be consistent with the Draft Inclusionary Housing Ordinance.

Finally, it is noted that as circulated for public review, implementation of this condition will not result in changes to Project design (i.e., the number of units, the number of structures, the need for associated infrastructure, the design style, and/or the footprint). These all remain as previously proposed and approved. Consistent with CEQA Guidelines Appendix G, the significance thresholds in the "Land Use and Planning" discussion (2018 FEIR Section 3.1.5) concern policies to protect environmental concerns, community character, and potential division of communities.

No physical changes would occur to the Project as part of the condition. The economic concerns addressed by an inclusionary housing condition do not change technical analyses completed in compliance with County environmental significance thresholds because the change would not have environmental ramifications. Thus, no EIR analytical modifications are required for this issue, and further discussion is not required.

8.7.4 2024 Fire / Evacuation

This response addresses comments received as a part of the 2024 recirculation of Subchapter 2.7 of the 2018 HGV South FEIR and the 2024 Global Climate Change Report prepared by Ldn Consulting, Inc (2024 Recirculated Subchapter 2.7 and Attachments). It is noted that fire and evacuation were not the subject of recirculation. In fact, such comments are outside the scope of the 2024 recirculated Subchapter 2.7 and Attachments. Nonetheless, the County has prepared this additional global response to address safety and evacuation comments and document that the issues raised do not change any CEQA impact conclusions in the 2018 FEIR for this topic. Each of the issues below has been answered previously, with analysis subsequently found adequate during CEQA litigation, or is not relevant to the analysis or conclusions, as demonstrated through this global response. See also Global Response: Res Judicata and New Information for a description of the previous litigation history of this Project in which the California Court of Appeal, Fourth Appellate District, Division One (Appellate Court in its Appellate Decision) found that the 2018

FEIR complied with CEQA except for one environmental issue related to its GHG mitigation measure (Elfin Forest Harmony Grove Town Council et al. v. County of San Diego and RCS, 37-2018-00042927, Court of Appeal, Fourth Appellate District (Division One), filed October 14, 2021 (Appellate Decision).

To provide additional context, issues related to Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access (2018 FEIR Sections 8.3.3 and 8.3.4 respectively) summarized and clarified information presented in the FEIR Section 3.1.3, as well as the *Fire Protection Plan* (FPP) provided with the FEIR, and *Wildland Fire Evacuation Plan for the Harmony Grove Village South Community* (Project Evacuation Plan) provided for reference on the County website (both by Dudek 2018). Related issues were also raised during appeal of the 2018 Project approval and EIR certification. However, the Court of Appeal found that "the EIR adequately addressed fire safety and evacuation." (Appellate Decision, page 3.)

Comments are a "continuing discussion" of issues that were previously settled in the litigation concerning the 2018 EIR. In those instances, commenters generally have been referred to 2018 individual responses to comments, or 2018 global responses, both of which comprise part of this current FEIR. A brief summary on evacuation efficacy is also provided in response to comments citing vehicle congestion during evacuation events, which largely focused on experiences during the 2014 Cocos Fire. It summarizes and includes information discussed and testified to at 2018 Planning Commission and Board of Supervisors (Board) hearings during Project approval in 2018, following preparation of 2018 responses to comments. Because it is based on data provided in 2018, as well as testimony offered by third parties during a 2018 Project hearing, it is not considered new analysis subject to comment but does provide additional confirmation of 2018 analyses for this topic. It is the first discussion provided below.

As explained in Global Response: Res Judicata and New Information, the Project's litigation limits the scope of future legal challenges regarding legal adequacy of the FEIR that the County can reconsider. Portions of the 2018 FEIR that were found to be adequate by the courts (and the concomitant data, analyses, and conclusions) are not subjects for further analysis in the current FEIR document. These issues have been previously discussed by the public, analyzed by the County, and ultimately resolved by the courts after years of litigation, and are thus barred by res judicata. However, the County is not dismissing these concerns based solely on res judicata. As described below, the new information or changed circumstances raised by the commenters are not enough to trigger recirculation under CEQA Guidelines Section 15088.5 or to require that a subsequent EIR be prepared. (See 8.7.1, Res Judicata and New Information. The Project's EIR has not been certified; therefore, a subsequent or supplemental EIR is not an appropriate mechanism.) The content of 2018 FEIR Section 3.1.3, *Hazards and Hazardous Materials*, which included discussion of fire safety, as well as discussion provided in 2018-authored global responses and individual responses located in Chapter 8.0, *Letters of Comment on the Draft EIR and Revised Draft EIR and Responses* of the 2018 FEIR, were found adequate. As noted by the Court of Appeal (emphasis added):

> ***We conclude the EIR contains a CEQA-compliant discussion of the potential wildland fire risks or exacerbation caused by the Project and the fire risks in the Project's vicinity, and that substantial evidence supports its conclusion that the***

> ***Project measures would reduce them to a level of insignificance*** (Appellate Decision, page 40); and
>
> "**We conclude the EIR's discussion of evacuation routes and timing satisfies CEQA requirements**" (Appellate Decision, page 51).

Nonetheless, where comments contend that there is new information on the topic that post-dates information previously addressed as part of the County approval process or during the above-noted litigation, they are addressed below. The County finds that the information addresses issues that have been resolved by the previous litigation, and/or the analysis conclusions. These topics are addressed for clarification purposes only, and include:

- Evacuation as related to the 2014 Cocos Fire
- Potential effects of climate change on Project modeling
- Prior adopted evacuation plans, updates to modification guidelines relative to secondary access, and 2022 California Attorney General guidance relative to wildfire
- Potential changed conditions to an off-site dirt road
- New potential projects proposed for the north end of Country Club Drive (CCD) and one on Harmony Grove Village Parkway (HGV Parkway)
- Discussion of anthropogenic fire starts with a focus on potential for on-site ignition to spread off site

As stated above, none of the issues raised result in changes to 2018 CEQA conclusions due to: (1) lack of changed conditions, (2) that it has previously been addressed and found adequate, and/or (3) was not relevant. Nonetheless, the County provides the information and cross-documentation below as a companion discussion to Global Response: Res Judicata and New Information.

8.7.4.1 *Local Technical Professionals' Consensus on Congestion During Evacuations and Testimony provided at the May 2018 Planning Commission Hearing Support Project Analyses and Fire Hazard Severity Ratings*

As stated above, multiple comments received following 2024 recirculation of GHG information cited vehicle congestion during evacuation events, which largely focused on experiences during the 2014 Cocos Fire. Although not pertaining to the recirculation of Subchapter 2.7, this discussion provides a summary of technical professionals' consensus and testimony at Planning Commission and Board hearings during Project approval that was part of the public record in 2018. This discussion also forms the basis for the County's conclusion that this issue does not trigger recirculation under CEQA Guidelines Section 15088.5. As a reminder, the technical evaluators of Project design and analysis for fire safety and evacuation were personally familiar with the Project location, environmental setting (including both topographical constraints and surrounding development and natural habitats), fire history, and specific evacuation events, as they were the emergency fire managers responsible for this part of the County.

The County and Rancho Santa Fe Fire Protection District (RSFFPD) have been at the forefront of fire protection planning requirements and fire and building code minimum requirements for nearly 15 years. For the reasons explained below, the HGV South FPP and accompanying Project Evacuation Plan were prepared to what can be considered some of the most comprehensive requirements in the country. The wildfire evaluation and resulting system of fire protection that was developed to provide an acceptable level of risk at the HGV South site was a multi-year process between seasoned fire protection consultants, experienced fire prevention officers at the County Fire Authority and RSFFPD, and experienced third-party reviewers from Rohde & Associates. The various fire-related documents were reviewed by numerous professional fire prevention and protection personnel with nearly ***500 years of combined experience***. The County Sheriff's Department indicated their confidence that they can evacuate the area with the HGV South Project in place. All agreed that HGV South is a defensible community and that contingency options exist if sheltering on site is considered safer than a late evacuation. The reasons the HGV South Project is defensible include a system of protection that includes the wider than required perimeter fuel modification zones (FMZs) which buffer the Project's buildings from the off-site native fuels. This area reduces fire intensity, flame lengths, and spread rates, enabling firefighters to conduct operations. Further, the entire site will include low fire hazard, irrigated and maintained landscapes, ignition- and ember-resistant structures, fire access, fire flow water availability, strategic firefighting staging areas, and other features detailed in the Project's FPP that reduce the firefighting resources needed to defend this type of community. This enables more resources to be used for older, less fire-resilient neighborhoods and communities. In fact, Captain Brown's testimony specifically noted his having faced "far greater challenges" and completed successful evacuations in areas that were not "adjacent to 'city-ish' property." For context, while contrasting Harmony Grove location with other evacuations, Captain Brown specifically noted that: "It's a mile or two to get you to a concrete jungle. That is a lot different than taking you 20 miles through wilderness or down Wildcat Canyon Road."[26] Even closer than the "concrete jungle" is one of the identified refuge sites, HGV, as discussed below.

Some comments included photographs of vehicles at a standstill during the 2014 Cocos Fire, and many identified the Cocos evacuation as revealing deficiencies in evacuation potential in the Harmony Grove area. It is noted that one of these photos, titled "evacuation standstill," includes the presence of a law enforcement officer at the intersection directing traffic. It is a critical component of law enforcement evacuation management to control key intersections so that populations at risk can be moved out of the area. Specific to the issue of congestion during evacuation events, critical elements include both evacuation options, as well as how those options are managed.

The Sheriff's Department evacuation manager indicated that congestion/standing traffic are common when there is no immediate danger[27] and when other populations at greater risk need to be moved with priority. He further stated that if conditions had changed and fire movement toward Harmony Grove Road (HGR) occurred that threatened that population, tactics would have shifted

[26] Planning Commission Hearing (https://sdcounty.granicus.com/player/clip/2657?view_id=12&redirect=true) at approximately 4 hours 42 minutes.

[27] Planning Commission Hearing (https://sdcounty.granicus.com/player/clip/2657?view_id=12&redirect=true) at approximately 4 hours 37 minutes.

and road closures and intersection control would have occurred to move those vehicles out of harm's way. The description is consistent with every evacuation scenario regardless of location.

In brief, evacuations that include large populations involve traffic congestion. As described in the 2018 evacuation-related global responses, however, evacuations are managed events. Recent evolution of evacuation management has incorporated technological solutions for evacuating smaller populations as part of a phased approach which meters evacuating vehicles out over a longer timeframe when advantageous to do so. As indicated by the San Diego County Sheriff's Department (SDCSD) during the HGV South Planning Commission Hearing[28], SDCSD is confident it can evacuate HGV and the Elfin Forest area. They indicated that evacuations are not comfortable and that there is confusion and waiting. It is understood that waiting to be moved may engender a sense of unease, but as an active participant, it is not possible to evaluate the overall considerations taken into account by emergency professionals. Although some evacuees may not be moving, SDCSD indicates that they would be directed to move if they were considered at high risk. Movement in any one lane or route may be halted while another area at higher risk is moved with priority.

Life-saving efforts are the primary focus of emergency evacuations. "Emergency Alerts" of evacuation areas in San Diego County include a layered approach so that if one system fails, there are backups in place. Alerts do not rely on wireless emergency alerts (WEA) alone, but also include Alert San Diego (Reverse 911), Television, Radio, social media, and in the field law enforcement and fire personnel – including both helicopters messaging and on-the ground emergency personnel knocking on doors if needed. A cutting-edge emergency alerting solution known as Genasys Protect has been deployed in San Diego County that enables emergency managers to monitor and track wildfire emergency and pre-plan evacuation notifications. It allows citizens to receive timely updates during emergency situations. The region-wide collaboration aims to bolster emergency communication efforts and target evacuations by pre-delineated evacuation zones. Additionally, the San Diego County Hi-Lo siren system is a new emergency warning tool designed to alert communities during evacuation orders due to immediate danger. It emits a high, then low repeating siren tone to inform residents that they need to evacuate. The system is installed in patrol vehicles and is part of a broader effort to enhance mass notification capabilities in emergencies. Other programs like Watch Duty provide fast wildfire detection through 24/7 camera monitoring and dissemination of public safety information in real-time from verified sources.

Regarding the Cocos Fire, there was no loss of life during this fast moving wildfire, and that constitutes a successful evacuation. In fact, as testified to by Captain Brown in 2018,[29] "no one's

[28] Planning Commission Hearing (https://sdcounty.granicus.com/player/clip/2657?view_id=12&redirect=true) at approximately 4 hours 37 minutes.
[29] Planning Commission Hearing (https://sdcounty.granicus.com/player/clip/2657?view_id=12&redirect=true) at approximately 4 hours 40 minutes.

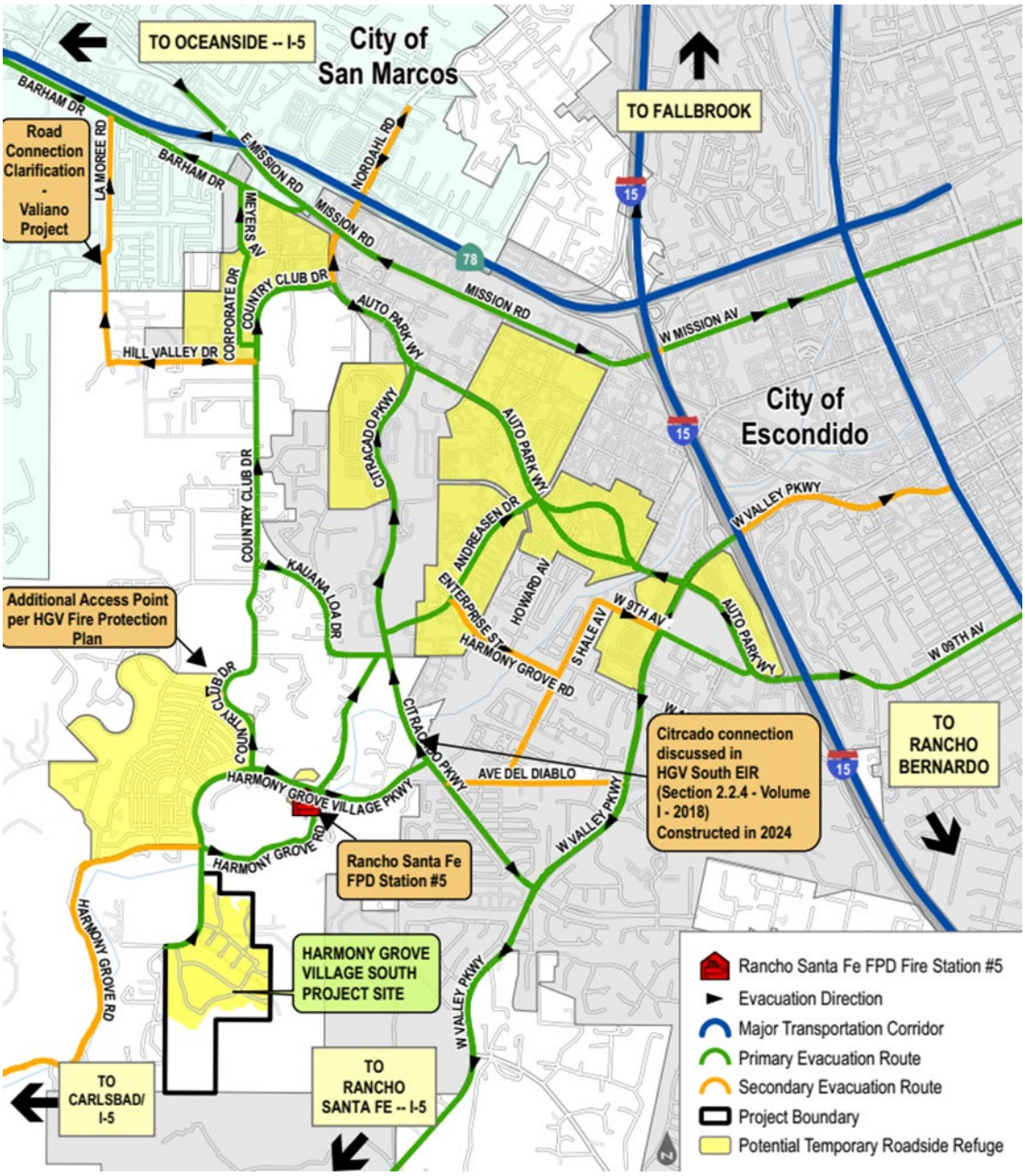
died on [his] watch evacuating, just refusing to evacuate or evacuating when it's way too late."[30] Relevant to future evacuations, the successful Cocos Fire evacuation occurred in conditions which have since improved but were not considered in the comments.

Specific to the Project area and larger community, it is noted that the Cocos evacuation process occurred prior to roadway improvements completed by HGV and required as a part of their approvals; these improvements included improving segments of CCD, providing a new road to the east (HGV Parkway) and building a bridge over Escondido Creek, which provides an improved route east and out of the valley directly from HGR as well as HGV Parkway. As a result of these improvements, there are multiple ways to evacuate out of HGV and into Escondido. The latter two improvements were explicitly noted on page 8-44 of the 2018 FEIR.

As noted on 2018 FEIR page 2.2-29, CCD from HGV Parkway to HGR and HGV Parkway from HGR to Citracado Parkway were under construction at the time of Project data collection. As stated on 2018 FEIR page 8-80 (2025 FEIR page 8-70), by Project approval, HGR from CCD to HGV Parkway had been improved to 28 feet paved width "where feasible." The HGR intersection approaches to CCD and HGV Parkway were also improved. This is consistent with the Project Evacuation Plan, which identified improvements in the area that were "likely to result in improved evacuations, including the new evacuation route HGV Parkway, the bridge over Escondido Creek, the new fire station, and the large HGV development with its road network and areas where existing Harmony Grove area residents could reach temporary refuge if roadways were considered less safe" (2018 EIR page RTC-RO3-2). In addition to HGV South, refuge and evacuation portions of Figure 2 of the 2018 Project Evacuation Plan are depicted below, with additional clarifying highlights related to the Valiano-approved evacuation route via La Moree to the City of San Marcos.

Moreover, Citracado Parkway, for which impacts and mitigation were detailed throughout Subchapter 2.2 in the 2018 FEIR with specific discussion of cumulative roadway effects on pages 2.2-26 and -28, has since been completed as projected in the 2018 FEIR and would further facilitate future evacuation efforts. Although this improvement was not relied on to improve traffic conditions for the Project because it was located in the City of Escondido, the 2018 FEIR acknowledged that it was planned to be constructed, would reduce traffic volumes, and improve operations along this roadway to an acceptable LOS D or better. The roadway was completed in 2024, providing access from CCD all the way to Auto Park Way, delivering drivers directly into urban Escondido.

[30] A number of comments allude to the tragic death of a local resident (Mr. David Hammond) during the 1996 Harmony Grove fire event. With respect and deep regret, as noted by Captain Brown during 2018 hearing testimony, one of the 1996 contemporaneous Los Angeles Times articles noted that Mr. Hammond sustained burns when he stayed to fight to protect his home. Regardless, for purposes of current planning, Mr. Hammond's tragic death is not relevant to the current Project. Fire planning, fire-resistant building requirements, evacuation planning, fire station location, and physical conditions related to roads and development in the Project vicinity have changed within the last approximately 30 years. While Mr. Hammond's loss was tragic, it does not affect adequacy of the Project environmental analyses relative to fire safety.



Contrary to a comment that the entire HGV development would gain access/egress only from CCD, there are several additional roads available for HGV access/egress. All of these roads were planned and assumed in the HGV and HGV South EIRs. These include Wilgen Drive and Riding Trail Drive, both of which provide access/egress directly to HGV for the southern and westernmost portion of the HGV community. HGV Parkway can also be used for ingress/egress for homes both west and east of CCD, and leads directly into urban Escondido. In addition, it should be noted that HGV was also required to provide emergency access (beyond the main entrance) on CCD north of the Project site. This would mean that evacuation could be dispersed at different locations along CCD, HGV Parkway and HGR instead of all the residents being required to exit at the main HGV entrance. Alternatively, it means that access to refuge areas within HGV as identified in the Project

Evacuation Plan could be attained via more than one route. It is also noted that the Valiano December 2024 approval will result in an additional emergency access route from Hill Valley Drive (off of CCD) to La Moree, which will also increase options.

Finally, relative to evacuation, note that concerns raised by the commenters were based on the same past evacuation experience and worries about potential future events that made up a substantial part of the testimony during the 2018 Planning Commission and BOS hearings, as well as in written comments and responses provided at the time. The analysis in the 2018 EIR received court review during Project CEQA challenges raised following 2018 Project approval. Nothing has changed since then in the Project description (number of units, Project footprint or design, etc.) that would lead to a need to reconsider such findings.

Specific to a very high fire hazard severity zone (VHFHSZ) rating of HGV, comments note that although the Project site was identified as a VHFHSZ in the 2018 FEIR, adjacent HGV was recently included in the VHFHSZ. Commenters identify this as a changed condition that requires new analysis. As explained in Global Response: Res Judicata and New Information, the FEIR's FPP and Project Evacuation Plan were designed and analyzed to specifically address the VHFHSZ fire environment within Harmony Grove Valley and surrounding landscapes. As described in the Project FPP (2018:4), "fire hazard designations are based on topography, vegetation, and weather, amongst other factors with more hazardous sites including steep terrain, unmaintained fuels/vegetation, and wildland urban interface (WUI) locations." While HGV was not in VHFHSZ at the time the report was prepared, these issues were reviewed.

Relevant to both evacuation and HGV hazard zone analysis in the HGV South EIR, the doctrine of res judicata bars relitigating a cause of action previously adjudicated in another proceeding between the same parties or parties in privity with them. The Appeal Court conclusions on the matter are stated in the introduction to this global response. These issues have been fully resolved and cannot be relitigated. The County also examined whether these issues would result in new or substantially more severe impacts than were disclosed in the 2018 FEIR. The analysis in this global response demonstrates the County's review of the environmental analyses provided in the 2018 FEIR and its determination that no further examination was required under PRC Section 21092.1 and CEQA Guidelines Section 15088.5. For additional detail on the legal basis for this conclusion, please refer to Global Response: Res Judicata and New Information.

8.7.4.2 *Climate Change Effects Do Not Require Additional Analysis and Do Not Result in Changes to 2018 FEIR CEQA Conclusions Based on Project Fire Modeling*

Multiple comments note that climate change will result in a greater number and/or more intense fires than currently occur. The County does not disagree. The **cause** of a fire event, however, is not determinative of fire safety planning. Rather, that is focused on how a structure will **respond** to such an event; i.e., whether projects are designed to withstand identified fire risk. Project siting, structure hardening, landscape species/location/maintenance, etc. all play a part in that. Each of those items and more have been exhaustively reviewed by technical specialists (County staff, outside consultants, and fire management personnel) as detailed in 2018 FEIR Section 3.1.3, Chapter 8.0 (see Global Responses: Adequacy of Emergency Evacuation and Access and Fire Hazards Impact Analysis), the FPP and Project Evacuation Plan, as well as clarifying information provided in this global response.

As a point of information, it is noted that Project fire behavior modeling was conservative (see 2018 FEIR page 8-34). Project review included use of Fuel Model 4 (FM4), which is a conservative model for chaparral fuels. Fire behavior modeling results using FM4 exceed observed fire behavior in all but the most extreme conditions. This model is rarely used in modern fire behavior modeling due to the release of more customized southern California models which are more accurately reflective of (and reduce) the FM4 fuel model longer flame length, faster spread rates and greater heat output assumed for chaparral fuels, particularly like those found near the HGV South Project (2018 FPP Appendix E page E-2). Because the conservative (overpredicting) FM4 fuel model was applied, however, the resulting fire behavior information represents conditions that are **worse** (i.e., more conservative) than those actually occurring at the site. Because of this modeling effort and its results, the HGV South analysis is considered consistent with the conditions described in comments generally concerned about increase in fire number and intensity due to climate change.

Regardless, the underlying wildfire condition at the Project is not new information as the 2018 FEIR considered this condition in the context of the Project site, as described in the discussion of fire hazard severity zone mapping. The FEIR, FPP, and Project Evacuation Plan analyzed the Project based on its location in a VHFHSZ and the on-the-ground conditions of the surrounding community (see discussion and cross reference above). Thus, the Project's underlying condition remains essentially unchanged from what was analyzed in the 2018 FEIR.

For additional discussion of the topics of vegetation type, changes in population and land use relative to ignitions, population growth and related effects on fuel availability, extension of electrical lines relative to ignitions, and climate effects on size, severity, duration, and frequency of wildfires and prior discussion of these issues in the 2018 FEIR, please also refer to Global Response: Res Judicata and New Information.

8.7.4.3 *Community Protection and Evacuation Plan and Community Wildfire Protection Plan Documents Do Not Change the Project Analyses and Do Not Result in Changes to 2018 FEIR CEQA Conclusions*

Comments identified concern over the existence of an adopted evacuation plan that was not analyzed in the 2018 FEIR. While one of CEQA's Appendix G threshold questions pertains to whether a Project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, guidelines are just that – the decision-making body has the power to establish its own thresholds. This issue was addressed in the 2018 FEIR, Section 8.3.4.1.

As stated therein, Section 3.1.4 of the DEIR (3.1.3 of the 2018 FEIR) identified two relevant emergency response plans related to the Project; The Operational Area Emergency Response Plan and the San Diego County Multi-Jurisdictional Hazard Mitigation Plan. Both of these plans develop goals and objectives for the County of San Diego Office of Emergency Services (OES) with regard to large-scale natural or man-made disasters. The Operational Area Emergency Plan (most recent version updated in 2022) provides guidance for emergency planning and requires subsequent plans to be established by each jurisdiction that has responsibilities in a disaster situation. The Multi-Jurisdictional Hazard Mitigation Plan provides the framework for emergency response throughout the County, including at the Project site (2018 FEIR, Section 8.3.4.1).

It is also noted that the Community Protection and Evacuation Plan (CPEP; 2006) mentioned in the comment was based on a County template that has since been pulled from the County's Web page. The four CPEPs completed prior to that are high level documents that all follow a template and include evacuation route maps and instructions that evacuations would occur away from an approaching wildfire, as directed by law enforcement and other emergency managers. HGV South's evacuation plan follows a similar format *with more detailed analysis*.

Another document mentioned is the 2022 Elfin Forest Harmony Grove Community Wildfire Protection Plan (CWPP). This planning document focuses on identifying key concepts and projects for reducing fire hazards and actual fire risk in the plan area. Such issues were addressed throughout the 2018 FEIR, as documented in this current global response.

The HGV South FEIR did not rely on the Appendix G generalized impact threshold for determining whether the Project would result in an environmental impact. Instead, the County utilized two documents that guide evacuation planning and implementation specific to San Diego County (the Operational Area Emergency Response Plan and the San Diego County Multi-Jurisdictional Hazard Mitigation Plan) and found that there was no interference with those plans. Those plans were more directly relevant to analysis in the FEIR than the more general plans proposed for inclusion. The Hazards and Hazardous Materials section of the 2018 EIR was found adequate by the Court of Appeal, including the 2018 FEIR analyzed plans, which renders the above-cited plans immaterial to the underlying analysis. Please also refer to the Global Response: Res Judicata and New Information, regarding requirements for "materiality" of new information to overcome res judicata, as well as the fact that the principle bars litigation of issues that could have been raised when the lawsuit was filed, but were not.

8.7.4.4 *Updates to the Fire Code, 2024 Guidelines for Determining Significance, and Secondary Access Are Duplicative with Project Analyses and Do Not Result in Changes to 2018 FEIR CEQA Conclusions*

Fire Code Guidelines for required findings necessary to support a modification related to exceedance of dead-end road length of 800 feet were modified with minor changes in 2024. Some comments contend that the updates would have an effect on secondary access findings made in the 2018 FEIR. As a related issue, comments inaccurately define secondary access as the only alternative to meet the dead-end road length requirements.

As discussed in the HGV South accepted FPP, and 2018 FEIR Sections 3.1.3.2, and 8.3.3.3, secondary access is one potential mitigation for a dead-end road length exceedance. It is not, however, the only potential mitigation. Secondary access is most important in rural situations with long roads through wildland fuels. As described in the FPP, that is not the case at HGV South, which is located adjacent to developed Escondido to the east and north.[31] As described in 2018 FEIR Section 1.2.2.3, CCD north of the Project entrance:

[31] This was anecdotally supported in San Diego County Sheriff's Department testimony when Captain David Brown stated at the Planning Commission public hearing on May 18, 2018 (beginning at 4 hours 42 minutes) that the Project's residents could practically walk to safety the short distance to the "concrete jungle" of Escondido. Planning Commission Hearing (https://sdcounty.granicus.com/player/clip/2657?view_id=12&redirect=true) beginning at 4 hours 42 minutes.

> *...retains two 12-foot travel lanes, widens the median to a 14-foot travel or turn center lane, includes two 8-foot shoulders, and abuts an existing trail easement (to be improved by others) on the west (10-foot multi-purpose trail and 3-foot wide parkway) and adds a 4 to 5-foot parkway and 5 to 6-foot pathway on the east, as illustrated in Figure 1-14a, Country Club Drive - Public Enhanced Residential Collector.*

Additionally, as stated in the Project Evacuation Plan: "Exposure along Country Club Dr. is limited to primarily maintained landscapes and light fuels/grass" (Project Evacuation Plan page 2).

The 2018 FEIR evaluated eight potentially available alternatives for secondary access (see Appendix C of the FEIR Appendix L, FPP). Alternative 4, which would require improving a privately owned off-site road connecting to Johnston Road and eventually intersecting with Citracado Parkway to the east of the Project, was determined to be the option with the fewest physical challenges. Following analysis, however, all eight potential alternatives were determined to be infeasible due to various constraints. Figures showing each of the proposed locations were provided in Appendix C to the FPP. At no time was the FPP's approach reliant on secondary access provided by any of the analyzed but infeasible secondary access options.

Rather, the Project developed an alternative approach that meets the intent of the code through the implementation of a list of specifically developed measures and features (detailed in the EIR and in Section 5.2.1.2 of the FPP). An additional travel lane, building envelope setbacks, structure density, landscaping plans, and road widths (as well as many other Project design features) were all depicted on Project plans and figures. Building hardening elements were similarly detailed in the FPP and represented in the PDFs. These measures and features provided substantial justification for the FAHJ to make the necessary findings that the intent of the code had been met and would not lessen health, life, and fire safety requirements. In addition, the 2018 FPP specifically identified the precise section for which a modification was requested (County Consolidated Fire Code Section 503.1.3 for dead-end road lengths). Modification and the mitigating measures were provided as part of the "Findings and Mitigation Conclusion." Specifically, the dead-end road length modification was granted based on the following findings: (1) the topographical, geological, and environmental conditions of the site made compliance with this standard infeasible, (2) the Project will meet the intent and purpose of the Fire Code, (3) such modification does not lessen health, life, and fire safety requirements, and (4) a list of 25 specifically developed measures and features were evaluated as being sufficient. The Appellate Court concluded that the County could rely on these migration measures; please refer to Global Response: Res Judicata and New Information.

Further, requests for code modifications are allowed by the adopted state, County, and district fire codes. Modification requests must provide substantial evidence to support necessary findings required from the Fire Authority Having Jurisdiction (FAHJ). The HGV South modification request included significant analysis and assessment along with collaboration with two fire agencies (SDCFA and RSFFPD), as well as third-party review by Rohde and Associates. Wording of the 2010 and (updated and recently adopted) 2024 Guidelines for Determining Significance is presented in the matrix below for comparison. Italicized text in the 2024 Guidelines column indicates substantive duplication of the 2010 Guidelines and new findings text is underlined.

2010 Guidelines: 5.7.1 Required Findings for Alternatives to Standards	**2024 Guidelines: 5.10.3 Required Findings for Alternatives to Standards**
Certain site-specific situations may make the strict adherence to the County Fire Code or County Consolidated Fire Code either impracticable or infeasible. The fire code official is authorized to approve a modification to the fire code requirements, such as an alternative material or method of construction, where the fire code official finds that the proposed design is satisfactory and complies with the intent of the provisions of the code. If a modification is proposed, the requirements of the County Fire Code and County Consolidated Fire Code specific to modifications apply. *Documentation of the modification must appear not only in the FPP, but also in the files of the FAHJ as prescribed in the Fire Code.* The modification must be supported by "findings" including the following: • *That special individual reasons that make the strict letter of the code impracticable* • *That the modification is in compliance with the intent and purpose of the code; and* • *A map showing the proposed location of the mitigation / exception measures* • *That such modification does not lessen health, life and fire safety standards*	Certain site-specific situations may make the strict adherence to the County Consolidated Fire Code either impracticable or infeasible. If a modification is proposed, the requirements of the County Consolidated Fire Code specific to modifications apply. The fire code official is authorized to approve a modification to the fire code requirements when the proposed modification is supported by the following "findings": • *Special circumstances make the strict letter of the code impracticable* • *The modification is in compliance with the intent and purpose of the code, and provides the same practical effect* • *Such modification does not lessen health, life, and fire safety standards* • Specific section(s) for which a modification is requested • *Material facts supporting the need for modification* • Details of the modification or mitigating measure proposed, and if applicable, *a map showing the proposed location of the modification or mitigation measures* • *The modification is documented in the FPP and separately provided to the FAHJ*

As indicated above, the four bullets required in 2010 are duplicated in bullets required in 2024. Material facts supporting the need for a modification are equivalent to special individual reasons that make the strict letter of the code inapplicable. Additional 2024 bullets request specific section(s) for which modification is requested, details of the modification proposed, and documentation of the modification in the FPP, with submittal to the FAHJ. As a practical matter, each of these elements occurred for the HGV South Project, with one of the new bullets (regarding documentation) previously having been part of introductory wording). As illustrated, none of this is new information.

The Project is therefore consistent with both the 2010 and 2024 versions of the Guidelines for Determining Significance. As described above, the Project's technical analyses already included the data required by the 2024 version before it was a requirement. Therefore, the 2024 modifications to the Code do not require changes to the Project FPP or FEIR. For this Project, therefore, the changes to the Guidelines described above are inconsequential. As indicated in the FPP, the request for HGV South's dead-end road modification was consistent with the Fire Code and was based on topographical, geological, and environmental conditions that made meeting the regulation unattainable. Some comments incorrectly state that the 2014 Fire Code has substantially changed since the 2018 FEIR was prepared, so as to require a new analysis. As shown in the

following matrix there ***have not*** been substantial changes and (most importantly) the Project is in compliance with both the 2014 Fire Code and the 2023 Fire Code, adopted by the County. In fact, the Project exceeds both requirements in many instances.

Code Item	2014 Code Requirement	2023 Code Requirement	HGV South Result
Fire Flow	2,500 gpm	2,500 to 3,000 gpm	***Exceeds current Code requirement –*** 2 x 2,500 dual system = 5,000 gpm
Hydrant Spacing	350 feet	350 feet	***Exceeds current Code requirement*** – 300 feet spacing (more hydrants than required by current code)
Road Width	24 feet	24 feet	***Exceeds current Code requirement –*** 24 to 36 feet (one extra travel lane)
Turning Radii	28 feet inside edge	28 feet inside edge	***Meets current Code requirement –*** 28 feet inside edge
Grade	Max 20%	Max 20%	***Meets current Code requirement*** – under 20%
CBC Ch 7-A	Application of all ignition-resistant construction requirements	Application of all ignition-resistant construction requirements	***Meets current Code requirement*** – meets stringent Chapter 7-A
Hose pull	150 feet	150 feet	***Meets current Code requirement***
Turn-arounds	Required for lanes over 150 feet	Required for lanes over 150 feet	***Will meet current Code requirements –*** see explanation in text below this matrix. The actual final Project layout, including interior circulation (streets) will be processed through the site plan review process. The RSFFPD will be required to review the plans for conformance with the Fire Code as a part of that process
Fuel Modification Zones (FMZs)	100 feet	100 feet	***Exceeds current Code requirement*** – FMZs include 110 to 200 feet
Response time	5 minutes	5 minutes	***Exceeds current Code requirement*** – less than 3 minutes
Dead End Road Length	800 feet (modifications allowed)	800 feet modifications allowed	***Meets current Code requirement*** – modification granted based on findings (see above and below this matrix) as well as 2018 FEIR Section 8.3.3.3 regarding Project modification and secondary access review)
Parking	52 spaces	434 spaces	***Exceeds current Code requirement*** – more than 7 times the number of required spaces
Gates	Gates allowed	Gates allowed	***Meets current Code requirement*** – no gates proposed

Finally, HGV South was designed with the flexibility to locate its housing units in different configurations provided it is consistent with the requirements of the Project entitlements (including the FPP, 2018 FEIR and Specific Plan Guidelines). The specific location and layout of the Project's various housing units will be finalized through the site plan review process required by the D Designator (Design Review) of its zoning. The Site Plan will be required to show the final physical site layout. As documented in Project files, 2018 plans were approved by the County and RSFFPD. The D Designator requires an implementing site plan to be processed for design review and

requires approval from the Director of Planning & Development Services. During the review process, the County will route the proposal to various internal departments (including the County Fire Department) and the local Fire District, for review of compliance with applicable Fire and Building Codes. (See HGV South Specific Plan, County Zoning Ordinance 7150, and County of San Diego Site Plan Guidelines.)

As documented in Project files, 2018 plans were approved by the County and RSFFPD. Service availability forms for both fire and water service were updated in 2018 and are provided in 2018 FEIR Appendix O. RSFFPD coordination was documented in the 2018 FPP. As illustrated in the matrices above, Project design also meets or exceeds the most current Code updates occurring since 2018. It is therefore clear that the Project was conservative in planning assumptions and requirements for applicable agency review in 2018.

A potential question could be whether the Planning Commission is required to obtain the Fire Chief's review and recommendation on the Project's tentative map related to County Fire Code Project compliance as required by San Diego County Code of Regulatory Ordinances Section 81.306(d). However, this section does not apply here; instead, the Fire Chief's review and recommendation to the Planning Commission only applies to those tentative maps that are before the Planning Commission for "action" (approval or denial). Here, the Project's tentative map was filed concurrently with a General Plan Amendment and Rezone, which means the Planning Commission does not take action on the map and therefore is not required to obtain the Fire Chief's review and recommendation. Instead, the Planning Commission must make a written report to the Board under Section 81.306(a)(1).

When the Planning Commission prepares its report to the Board on the Project's tentative map and when the Board take action on the tentative map, both entities will be able to rely on the FPP that has been previously accepted by the SDCFA and RSFFPD. The Appellate Court upheld the FPP, and res judicata bars any challenges to this fire plan. As explained in detail in Global Response: Res Judicata and New Information, the Project has not changed, and none of the FPP's conclusions would be materially altered by any new information provided by the commenters. Finally, the same issues were raised in the original lawsuit, and the Appellate Court ruled on these issues, finding the FPP to be sufficient.

> *The issue for us is '"not whether the [fire plan, evacuation plan or Wildfire Risk Analysis] are irrefutable or whether they could have been better. The relevant issue is only whether the studies are sufficiently credible to be considered as part of the total evidence that supports the [agency's] finding[s]…."* ' " (*Chico Advocates for a Responsible Economy v. City of Chico, supra, 40 Cal.App.5th at p. 851.) They are here"* (Appellate Decision, page 45).

Finally, should the Board approve the tentative map and make new findings to support its approval, res judicata will bar challenges to the new findings. Similar to *Atwell v. City of Rohnert Park*, res judicata applies to the adoption of the new findings when a project remains unchanged, there is no change in the material facts, and the same claims are being raised as in the original lawsuit. (Atwell v. City of Rohnert Park (2018) 27 Cal.App.5th 692, 701, and 702.)

8.7.4.5 *Commenter-suggested Changed Conditions Along a Connection to Johnston Road are Inaccurate and Irrelevant to Project Analyses and Do Not Result in Changes to 2018 FEIR CEQA Conclusions*

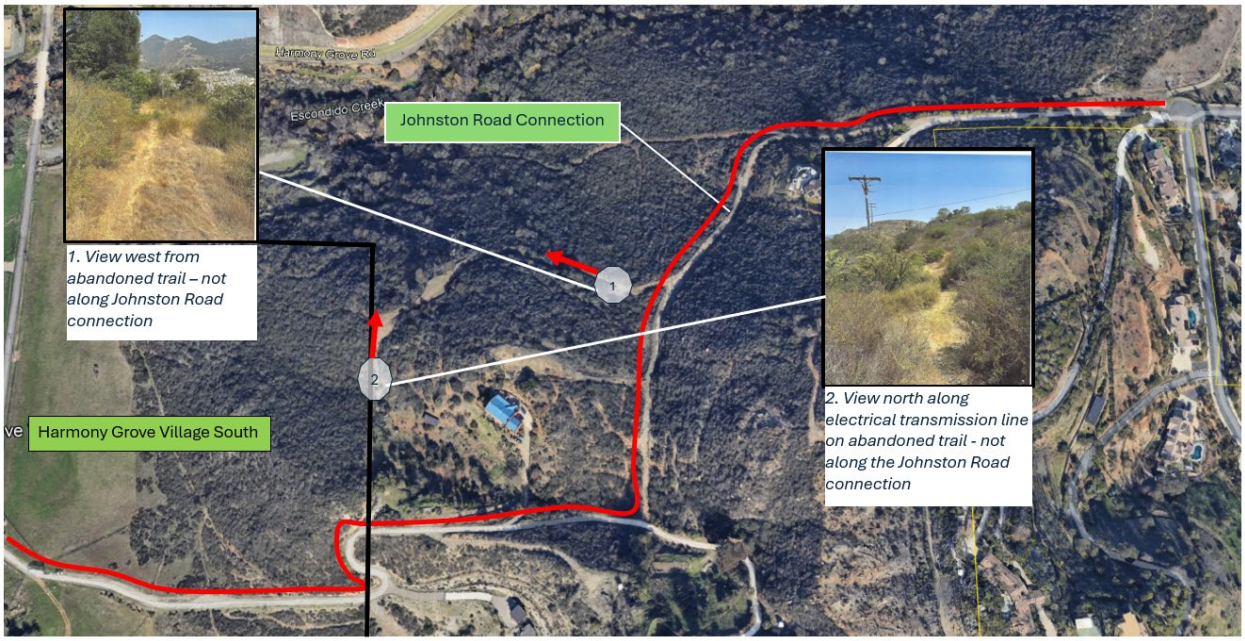
Some comments state that Johnston Road specifically was relied on as a Project access. That is simply inaccurate. As discussed above, while connection to Johnston Road was one of eight options addressed in the FPP analysis of secondary access options, none of the options was feasible. As such, the Project never relied on a Johnston Road connection and Johnston Road was not considered a part of the FPP acceptance and dead-end road length code modification (see FEIR FPP, Appendix C). Readers are referred to 2018 FEIR page 3.1.3-21 and the FEIR FPP (Section 5.2.1.4), as well as 2018 FEIR Section 8.3.4.3, which state that if access easements could be obtained, and a modification/variance to the County's roadway standards would be granted, improvements to connection to Johnston Road still would not conform to the Fire Code as secondary access, because widening to a full 24-foot width to support contemporaneous ingress/egress lanes, and to a full 28 feet at curves to accommodate emergency vehicle turning radii, would not be feasible given the existing slope grades.

Related to the discussion of (unavailable) secondary access above, and specifically with regard to a portion of dirt road connecting to Johnston Road, it is noted that the 2018 FEIR disclosed that emergency responders could potentially direct evacuees easterly from the Project and up that existing dirt road. Some commenters stated that such potential was an element of County approval. Some commenters also stated that that road is impassible at this point, due to changes in vegetative growth and roadway condition, and that this is a changed condition that merits re-assessment as to overall Project fire safety. Photographs were submitted by some commenters that depict a narrow pathway, in a degraded state. The issue is immaterial relative to Court findings of Project safety.

The first point to be made is that universal potential for emergency responders to direct use of the dirt road was not relied upon in safety findings by the Court of Appeal. As stated in the Appellant Court Decision (pages 54 and 55), the Court addressed the possibility that that route may be unavailable.

> *Further, the EIR and its supporting wildfire-related studies do not ignore a scenario where evacuation routes become unusable. The EIR and fire plan evaluate "the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors," explaining that the Project adopted an alternative approach to implement fire protection and evacuation measures that meets fire code requirements. Widening Country Club Drive was not the sole method to lessen the risks. The Project clusters residential development so as to minimize proximity of homes to wildland fuels and create a defensible perimeter, and the Project proposes a contingency plan for moving people to temporary refuge locations such as homes or the club house… To the extent respondents challenge those measures as inadequate or ineffective mitigation, we conclude the board was entitled to choose to believe the fire officials who signed off on them. (See Laurel Heights, supra, 47 Cal.3d at pp. 408-409.) The EIR's conclusion that Project fire safety measures reduce fire hazards to a level of insignificance is supported by substantial evidence, namely the fire-related expert studies.*

The second point is that the photographs provided by commenters to document changed conditions do not show the road in question. Those photographs show a narrow trail within dense brush. Based on review of the photographs (background images, presence of electrical lines, etc.) it is clear that the photographs were not taken from and oriented to the 2018-evaluated route (which shows as the white dirt road through the vegetation in the following aerial taken from GoogleEarth and dated October 2024), but rather were taken several hundred feet away and focus on degraded pathways.



However, as stated above, the Project did not rely on this road for secondary access. Similarly, neither the County nor the Court considered potential use during emergencies as the critical factor in fire safety measures. No change is required to CEQA conclusions relative to emergency egress.

8.7.4.6 *California Attorney General Guidance of 2022 is Duplicative with Conservative Project Analyses and Does Not Result in Changes to 2018 FEIR CEQA Conclusions*

A number of comments note new guidance from the California Attorney General entitled *Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act*. Numerous comments suggest that the guidance would result in disqualification of the Proposed Project, and/or that the guidance "requires" specific actions.

The Guidelines are in fact guidelines, they are not requirements. Local decision-making agencies also determine what is acceptable for evacuation plan content and it varies by jurisdiction. The AG Guidance has provided some level of clarity on the types of analysis jurisdictions are recommended to consider, but as of 2024, there are no evacuation plan content requirements. As stated in the Introduction to the entire guidance document:

> *This document does not impose additional requirements on local governments or alter any applicable laws or regulations. Rather, is it intended to provide guidance on some of the issues, alternatives, and mitigation measures that should be considered during the environmental review process.*

As described below, although the guidance is in no way binding, Project fire-related analyses are consistent with it.

Wildfire Risk Analyses

The AG Guidance identifies a number of factors for assessment. The first is substantial impairment of an adopted emergency response plan or emergency evacuation plan. This was fully addressed in the 2018 FEIR; see also the focused discussion above in Section 8.7.4.3.

The AG document also notes considerations of slope, prevailing winds, "other factors" and their potential to *exacerbate* to both wildfire and its resultant risks (e.g., increasing danger through impairment of emergency response plans, resultant slope failure, etc., as well as heightening risk of exposing Project residents to fire-related pollutant concentrations.

As described in the 2018 FEIR, these issues were reviewed for both construction and operational periods, and construction- and operational-periods PDFs in the 2018 FEIR addressed them. Relevant to construction and potential for use of heavy machinery to generate sparks during welding activities or other hot work, the Project would comply with mandatory County and state requirements for fire safety practices designed to reduce the possibility of fires during construction activities. Fire Code-required pre-construction activities would ensure that before combustible materials are brought onto the site, all utilities and site improvements, fire hydrants, all-weather roadway, and FMZs would be in place and vegetation clearing would be maintained. Each of these is included in the 2018 PDFs (see specific PDF wording in the 2018 FEIR on pages 1-51, 3.1.3-26, and 7-26 [2025 FEIR pages 1-52, 3.3-26, and 7-28]), among other cites. Adherence to these mandatory County and state regulatory standards during construction would reduce the risk of wildfire ignition and spread during construction activities. Short-term construction impacts associated with exacerbating wildfire risk would be less than significant.

Long-term Operational Considerations include Slope, Prevailing Winds, and "Other Factors"

The Project site ranges approximately 370 feet in elevation (570 to 938); with the highest and steepest areas out of developable footprint, and the steepest developable areas along the west-facing hillslope. The elevational data are presented on 2018 FEIR pages 1-24, 1-30, 2.1-2, 2.1-48, and 3.1.2-1, among others. During Project implementation, developed portions of the site would be graded to a level surface. The flat development pads and landscaped manufactured slopes would not result in steep, natural slopes that could exacerbate wildfire risk. Existing slopes would be set back from the Project's developed areas with a wide FMZ buffer and/or fire wall.

Prevailing winds are winds that blow from a single direction over a specific area. As described in the FPP, the prevailing wind pattern is from the west-southwest during the day, and at night winds are from the northeast. The average wind speed is 3 to 5 mph, with the summer winds being stronger at an average of 6 to 12 mph. November to June is the windier part of the year, when the

wind is from the east. High wind velocities that could exacerbate wildfire risk are generally associated with downslope, canyon, and Santa Ana winds that can occur anytime, but typically occur in the fall, spring and winter in this area. Santa Ana winds are defined in the 2018 EIR as the "most critical wind pattern for the Project area" due to its intensity, heat, and association with low humidity (see page 3.1.3-8, with continued discussion on 3.1.3-9, -20, -21, and 8-33 and -34, among other individual response citations). The FEIR noted that wildfires have occurred immediately to the south and west of the Project site. Given that the prevailing wind direction during summer months is from the west, the Project could be exposed to wildfires due to prevailing winds and from extreme Santa Ana winds from the north, although available fuels would result in a fire with short burn times.

In the anticipated wildfire scenarios in the Project area, and consistent with the detailed Project evacuation analyses, populations will be: (1) evacuated for fires that have long lead times and therefore removed from the potential wildfire air pollutants; (2) subject to wildfire with close origin where sheltering in place may be directed within Project buildings that would preclude exposure to wildland fire pollutants; or (3) within downwind areas from distant wildfires that do not affect the Project area in terms of evacuation or on-site sheltering, but could result in exposure to short-duration wildfire pollutants. As specifically stated on pages 3.1.3-12 and -13 of the 2018 FEIR, California Building Code (CBC) Chapter 7 (Fire and Smoke Protection Features) requires construction standards—including building material, systems and assembly mandates—that provide fire resistance and "prevent the internal and external spreading of fire and smoke."

"Other factors" such as vegetation, building materials, and setbacks have been extensively discussed in the 2018 FFP and FEIR, including Chapter 1.0, Subchapter 2.1, and Section 3.1.3, as well as, variously, 2018 Global Responses: Adequacy of Emergency Evacuation and Access and Fire Hazards Impact Analysis, the FPP and Project Evacuation Plan, with additional supporting information provided in this global response. Discussion also addressed the Project's location on land classified as VHFHSZ. Every effort was made to be clear about the Project design elements responsive to potential for fire. (Existing development and roads surround the Project site, which present existing ignition sources near the currently vacant Project site, which contains ignitable vegetation.) Please also refer to the above discussion addressing updated fire hazard severity zone mapping, and to Global Response: Res Judicata and New Information under the heading "Fire Hazard Rating at HGV."

Regarding proposed on-site operational activities, the Project would support a variety of activities associated with residential land uses, including the entering and exiting of passenger vehicles and trucks. Proposed activities do not consist of highly flammable activities that typically exacerbate fire risk, however, such as welding or other hot work post-construction. The Project would convert available fuels within the development footprint to developed and maintained structures and landscaping. Given that the proposed use would not exacerbate fire risk and given that vegetation on site would consist of fire-resistant and irrigated landscaping and wide FMZs, the likelihood of a fire starting on site and spreading to off-site areas would be minimal. Specific to building materials and requirements, setbacks, vegetation requirements, etc., please see 2018 FEIR pages 1-52 and -53, 3.1.3-22 through -26, and 7-26 through 7-29 (2025 FEIR pages 7-28 through 7-31) for detailed (and duplicative) requirements, including commitment to the "latest ignition and ember resistant construction materials and methods. Please refer to Section 8.7.4.9, below, for clarification regarding fire starts and housing density.

PDFs identified in 2018 for each of these topics render potential impacts less than significant, with no need for reconsideration, as additionally shown in the focused clarifications below. Please refer to Global Response: Res Judicata and New Information.

Infrastructure such as Roads, Fuel Breaks, Emergency Water Sources, Power Lines or Other Utilities

Please see 2018 FEIR Chapter 1.0 for information on road design and undergrounding of phone/electric lines. Also discussed in Chapter 1.0 (page 1-12) is this information on landscaped areas which is directly applicable to the issues of roads and fuel breaks:

> *The Project's HOA would maintain landscaped areas, including modified hillsides behind homes, parkways along roadsides, open areas adjacent to roads, and sites that constitute prominent visual features. Landscaped areas would be irrigated permanently and would be planted with a combination of natives and exotics that are not on the Project's Fire Protection Plan's prohibited plant list.*

Existing on-site vegetation is characterized by both non-native and native species. The Project would convert mostly undeveloped land with moderate vegetation cover into more urban development, paved roads and surface parking, and maintained landscape areas. Enforcement of the Project-specific FPP's landscape requirements and RSFFPD's planting and maintenance requirements would ensure that highly flammable vegetation would not be used in Project landscaping, as referenced in the FPP's Appendix E and in the County's Undesirable Plants List (Appendix E, Prohibited Plant List, to Appendix I-1 of the 2018 FEIR).

FMZs are designed to provide buffers that gradually reduce fire intensity and flame lengths from advancing fire by strategically placing thinning zones, restricted vegetation zones, and irrigated zones adjacent to each other. The Fire Code requires 100 feet of FMZ between structures and flammable vegetation and 50 feet of irrigation and thinning. Project typical fuel modification includes 100 to 200 feet wide zones on the periphery of the Project site, extending from the structures out and providing a code-exceeding buffer to protect the development areas, and extended irrigation within the FMZ, as well as buffer adjacent natural areas from fire ignitions from the site (see FPP pages 46 regarding extended irrigation zone and 51 regarding extended FMZs).

Project area roads would be hardscape, and as such, not subject to fire, while also providing access to emergency responders. The entire developed portion of the Project would act as a focused "fuel break." In addition, as stated on 2018 FEIR page, RTC-O6-27, "to the extent that the Project would be sited between off-site residences and these [native, flammable] habitats, the Project presence would minimize potential fire spread from these habitats to existing residences." And "[t]he conversion of fuels in this area provides a benefit to some legacy residents as it creates a buffer that will act as a fuel break, slowing fire spread and changing fire behavior" 2018 FEIR, page RTC-I39b-8.

Building Materials and Setbacks

Project buildings would be required to comply with the RSFFPD standards, which adopts the 2022 California Fire Code (CFC). As stated on 2018 FEIR page 3.1.3-13, the CFC is updated every three years, subject to locale-specific modification required by each fire district. The Project must also comply with the CBC, including provisions for fire safety and fire-resistive construction. In addition, the Project is required to comply with current building and fire codes (including the RSFPPD's Fire Ordinance, the CFC, and the CBC, and Chapter 7-A of the CFC requirements) as part of the plan check submittal process. The Project would therefore be built to comply with the codes applicable at the time of construction. Further, compliance with required setbacks would allow for space between Project buildings and off-site vegetation throughout the Project, with one area of fire wall provided at the south end of the Project, as depicted in 2018 FEIR Figure 3.1.3-1, along with the intensive fuel management zones).

Studies indicate that given certain assumptions (e.g., approximately 33 feet of low-fuel landscape and no open windows), wildfire is unlikely to spread to hardened buildings (i.e., ignitions are minimized or prevented; Alexander et al. 1998 [as cited in the 2018 FPP]). According to post-fire assessments conducted in the County, updated building codes have shown success in preventing structural loss (IBHS 2008 [as cited in the 2018 FPP]). Excluding burning embers, the distance between wildfire that is consuming wildland fuel and a building is the primary factor for structure ignition (Cohen, J.D. 2000 [as cited in the 2018 FPP]). Low-ignitability buildings also can reduce wildland fire threat to structures without extensive wildland fuel reduction. The Project would be required to comply with requirements for materials and construction methods for fire safety outlined in the RSFPPD's Fire Ordinance, the CFC, and the CBC, including Chapter 7-A of the CFC, which regulates exterior design and construction of new buildings located within a wildland–urban interface fire area. In addition, please refer to the discussion of the larger Project FMZs above.

Exposure of 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

Vegetation plays a vital role in maintaining existing drainage patterns and the stability of soils. Plant roots stabilize the soil and leaves, stems, and branches intercept and slow water, allowing it to more effectively percolate into the soil. Removal of surface vegetation through vegetation management or post-fire conditions reduces the ability of the soil surface to absorb rainwater and can allow for increased runoff that may include debris or mud flows.

The Project is required to comply with the CBC and, per CEQA requirements, a preliminary geotechnical report has been prepared by a licensed professional. As discussed in 2018 EIR Section 3.1.2, *Geology and Soils*, the Project is not located within or adjacent to any County Landslide Susceptibility Areas (County 2007d), and the Project geotechnical report concludes that there is no evidence of ancient landslide deposits at the site (Geocon 2015a). Additionally, Project geotechnical investigations included a stability analysis for manufactured fill and cut slopes; concluding that each would exhibit a factor of safety of at least 1.5 as required by current County guidelines (and other related industry standards). Debris flows within areas of alluvial/colluvial deposits were considered possible during high rainfall events; but proposed grading would remove these materials (and therefore this potential hazard). In addition, Project improvements would

include drainage-control features in accordance with local drainage-control requirements, which would also reduce the potential for adverse effects related to debris flows.

Further, as analyzed in 2018 FEIR Section 3.1.4, *Hydrology/Water Quality*, Project implementation would not substantially alter the overall described on- and off-site drainage patterns and flow conditions. More detailed discussion is provided in the noted section, but conclusions were that on-site flows would continue to drain primarily to the north and west, and Project design would include a number of facilities to retain the overall existing drainage features. Downstream flow conditions would not change substantially from baseline conditions. Specifically, the Project Hydrology/Drainage Study (PDC 2017b) concludes that: (1) ultimate discharge points in relation to the project boundary, are effectively the same as the existing condition, (2) the Project's drainage patterns mimic the existing conditions, and (3) development of the Project will not result in substantial erosion or siltation on or off site, with post-development flows from the Project site mimicking existing conditions to the extent feasible (including runoff rates and amounts with overall runoff patterns and directions maintained).

Development of the site would include development of biofiltration basins, which would enhance water quality and reduce stormwater runoff flow rates and volumes. On-site proposed landscaping also would serve to reduce the potential for erosion or siltation transport off site. In addition, tree wells would be designed to provide capture of stormwater runoff. On-site drainage would be designed in accordance with regulatory requirements of the County Stormwater Standards Manual developed to meet National Pollutant Discharge Elimination System municipal separate storm sewer system requirements. Accordingly, the proposed facilities per FEIR Appendix M-1 Exhibits B and C and FEIR Section 3.1.4, *Hydrology/Water Quality,* were assessed to result in less than significant changes, including to associated erosion and siltation effects.

Evacuation and Emergency Access Review

Regarding the recommended analyses identified under the heading: "C. Analyzing the project's impact on evacuation and emergency access," the AG identifies the several categories of information. Project consistency with those analytical categories is discussed below. As shown, given the conservative and proactive nature of Project analyses, the AG document does not bring forward new or missed issues. Safety issues were specifically raised in Project litigation, and analyses were approved by the Court of Appeal. Please also refer to Global Response: Res Judicata and New Information, which documents the Court's review of these issues (see also the Court's conclusions cited on page 2 of this response). Although for purposes of clarity the County provides the below discussion, the Guidance does not raise new material issues for consideration.

- *Evaluate Project and Community Evacuation and Road Capacities and Assessment Timing for Evacuation*: The HGV South FPP and Project Evacuation Plan provide a basic evaluation of road capacities and evacuating population (both the HGV South Project and the existing community that would rely on CCD). Refer to Section 8.3.4.3 of 2018 Global Response: Adequacy of Emergency Evacuation and Access, along with the FPP and Evacuation Plan for details regarding the analysis and results that indicate the improved road capacity and calculated times for evacuation. In addition, the Project Evacuation Plan discussed improved access to the Project and existing community along CCD, which is currently subject to seasonal flooding but would be widened and bridged over Escondido

Creek, eliminating access issues associated with flooding. The decision-making agencies determined this level of analysis would be appropriate and as recently as early 2024, have processed evacuation plans with similar calculations/approach. As discussed throughout the 2018 FEIR Chapter 8.0, in terms of evacuation timing, initiation of evacuations is managed by fire and law enforcement personnel who are managing the incident.

- *Identification of Alternative Plans*: The HGV South FPP, Project Evacuation Plan, and Wildfire Risk Analysis all describe the alternative plans that are available to the HGV South Project, including the multiple evacuation routes out of the Project, three connections ono CCD, the additional travel lane on CCD to HGR, and lastly, the contingency plan for on-site sheltering/refuge, as accepted by the SDCFA and RSFFPD.
- *Evaluation of Project Impacts on "Alternative Plans"*: Refer to discussion in Section 8.7.4.3, above, regarding HGV South consideration of the cited existing evacuation plans. Relative to alternative actions during a fire event, please also refer to discussion above in Section 8.7.4.1, regarding decisions made in real time.
- *Consideration of Adequacy of Emergency Access, including Proximity to Fire Services and their Capacity*: The issue of emergency access and egress is addressed in detail throughout Project documents, but brought together in 2018 Global Response: Adequacy of Emergency Evacuation and Access along with the FPP and Project Evacuation Plan, as well as this 2024 Fire / Evacuation information. Specific to fire station location(s) and capacity, this also was discussed in Section 3.1.3, *Hazards and Hazardous Materials.* The closest station is 1.3 miles from the most distant portion of HGV South, putting travel time to the most distant Project lot within 2 minutes and 50 seconds, which is below the General Plan's 5-minute travel time standard. Information as to other stations that could respond was provided in 2018 FEIR Section 3.1.8, *Public Services* on Table 3.1.8-2, *Summary of Responding Fire Stations for the Project.* Please also see 2018 FEIR Global Response: Fire Hazards Impact Analysis.
- *Traffic modeling to quantify travel times*: Refer to the first bullet in this response for the Project's approach and decision-making agency's acceptance of the basic modeling conducted for the HGV South evacuation times and potential effects on existing community members relying on CCD. The modeling conducted was based on the County's basic travel time equation and is consistent with the AG Guidance.

It is noted that the AG Guidance recommends against overreliance on shelter in place. Again, this is consistent with Project assumptions. The FEIR's Project Evacuation Plan makes it clear that temporary refuge or sheltering in place is a contingency plan (contingency was mentioned multiple times in the document) with a clear focus on early evacuation as the primary and preferred option. A contingency, last-resort, option of safely refuging on site is also discussed. Further, the FEIR's FFP states on page 41 (emphasis added):

> *The project will incorporate the same fire protection philosophies as Rancho Santa Fe's shelter in place communities, but will not seek shelter in place status. HGVS (sic), like most new communities in San Diego County,* ***will offer the last resort option of temporarily seeking refuge on site if early, safe evacuation is not possible.***

It is also clearly described in 2018 FEIR Section 8.3.4.5, where amongst other clarifications, it states:

> *Shelter in place should be considered as a contingency solution for instances when an early evacuation is not possible. Fire officials recognize that sheltering in an ignition-resistant community, like The Crosby or HGV South, is safer than a late evacuation*.

The HGV South Project's approach requires a robust fire protection system that still relies on early evacuation (i.e., did not rely on shelter in place or temporary refuge in lieu of safe evacuation), but would provide a safety net for its residents, nearby residents in more vulnerable existing areas, and for firefighters. The evacuation and shelter in place issues were succinctly summarized by the County in the 2018 FEIR on page RTC-RO3-2:

> *The County disagrees…that the less than significant finding is not supported by substantial evidence… The County has reviewed the provided population estimates and potential evacuation scenarios and concur that they appear accurate, including a wide range between the low and high estimates. The analysis is consistent with analysis conducted within the Project's FPP (Dudek 2017) and the County's WUIERP and Wildland Fire Risk Analysis (Rohde & Associates 2017). The most significant omission [by commenter is failure]…to include any consideration of the recent area improvements that offer enhanced evacuation options (Harmony Grove Village Parkway), potential sheltering versus evacuation (HGV South, HGV); improved, protected roadways (HGV South, HGV); improved emergency response and presence (new Rancho Santa Fe Fire Protection District Fire Station); and identified evacuation route last-resort refuge options (Evacuation Plan). The most significant of these would be the ability for emergency responders to direct existing residents, who do not live in the highly ignition-resistant new communities, to seek temporary refuge within one of the new communities as an option if specific evacuation routes are considered unsafe, congested, or otherwise not available during a short-notice evacuation or when roadways are not available. The addition of these new evacuation options essentially reduces the distance some existing residents would have to travel to arrive at areas where they could seek temporary refuge, reducing overall travel distances and travel times…Therefore, the impact conclusion of less than significant for wildfire hazards has been substantiated and no changes to the FEIR are warranted.*

Regarding the potential for conversion of natural areas to development to reduce or not increase fire risk, HGV South text explains the fact that newer, dense developments built to the required VHFHSZ construction materials and methods, and inclusive of fuel modification buffers and ongoing maintenance, are proven to provide fuel breaks that reduce hazards by removing the very fuels (and threat) that sustain wildfires and replacing them with ignition-resistant landscapes. The text indicates that these areas are at lower risk of wildfire exposure because of these features. These types of developments have been found to not only perform exceedingly well against wildfire, but to protect older, more vulnerable, development from wildfire impacts. The text does not indicate

that the conversion of the HGV and HGV South sites reduces or does not increase the risk of wildfires in the area, but rather that it reduces hazards and threats and provides low risk landscapes.

It is also noted that during consideration of issues related to evacuation and emergency access, the Project took the following actions, consistent with the guidance:

- The analysis was not limited to traffic impacts identified in Project traffic analysis (which focuses on general congestion related to peak hour traffic as opposed to emergency conditions) and is therefore not directly applicable
- Local fire officials were consulted to ensure that assumptions and conclusions were substantiated by facts
- Project-specific analyses did not rely on community evacuation plans (those plans provide general guidance and do not include specific plans for evacuation; in fact, cannot provide such when specifics are determined by precise location and dynamics of a given emergency), and
- The Project avoided overreliance on shelter in place locations while still identifying benefits of temporary refuge

Wildfire Risk and Evacuation and Emergency Access Review Conclusions

With adherence to the RSFFPD code requirements in Project PDFs, the low ignitability of the proposed structures, and implementation of fire-resistant, irrigated landscaping, the Project would not facilitate wildfire spread or exacerbate wildfire risk or expose people or structures, indirectly or directly, to significant wildfire risk. It is unlikely that Project occupants would be exposed to prolonged pollutant concentrations in the event of a wildfire. Similarly, with adherence to the Project-specific geotechnical recommendations and requirements, implementation of the proposed drainage-control measures, and maintenance of Project landscaping, the Project would not expose people or structures to significant risks related to downslope or downstream flooding, debris flows, or landslides as a result of runoff, post-fire slope instability, or drainage changes. Impacts were correctly identified as less than significant.

Also, considering the examples of measures provided to reduce wildfire risk, evacuation and emergency access impacts listed on pages 12 and 13 of the AG Guidance, the Project has considered, and included, all applicable measures (essentially all of them) as detailed throughout 2018 FEIR Project analyses and alluded to throughout this global response. The Project is required to comply with very restrictive ignition-resistant building requirements, because it is required to comply with CBC Chapter 7-A, which addresses structures located in areas prone to wildfires. One potential measure that is not included in the Project from the AG example list includes on-site water supply/storage to augment supplies that may be lost during a wildfire. The Project does not contain on-site water storage; however, it is not expected that water supply would be physically affected by wildfire. Water arrives from subsurface water lines associated with the Rincon del Diablo Municipal Water District (Rincon MWD), and includes pre-planned fire flow water availability. As described in Section 6.1, Catastrophic Supply Interruption, of the Rincon MWD 2016 Urban Water Management Update (document cited in the 2018 FEIR), Rincon MWD is a member of the Water/Wastewater Agency Response Network (WARN). The Rincon MWD

distribution system contains interties with adjacent water retailers that can provide water in the event of an emergency. The San Diego County Water Authority (SDCWA) 2015 Urban Water Management Plan describes the planning activities to help mitigate any interruptions in supply of imported water. Rincon MWD's Emergency Response Plan (ERP) defines actions the agency can take in the case of a water supply interruption. In addition to its regular potable supply from the SDCWA, Rincon MWD's service interconnections with its neighboring agencies include Vista Irrigation District, the City of Escondido, Valley Center Municipal Water District, and Vallecitos Water District (WD). These interconnections allow Rincon MWD to be supplied by its neighbors during times when its supply from the SDCWA is interrupted due to a maintenance shutdown of the First Aqueduct or other causes including a catastrophic event. These interconnections play an important role in helping Rincon MWD provide water supply reliability during catastrophic interruptions. Rincon MWD also has a robust and redundant water storage system containing over 25 million gallons. Rincon MWD's water supply includes allotments for daily average use as well as mandated storage at all times for fire flow and emergencies. As stated in the 2018 FEIR Appendix P, *Potable Water Study*, the Project would be served from two water storage tank reservoirs in the Project vicinity. These reservoir tanks, R-1A and R-1B, are located immediately adjacent to each other and less than one mile from the Project boundary. They are accessed from Harmony Heights Road, and are east of Harmony Grove Village, west of Harmony Grove Road as it trends north-south, and north of Harmony Grove Village Parkway. They are clearly visible on Figure 1-3. *Area Land Uses*, of the 2018 FEIR. The dual 2,500 gpm fire flow calculation required for new projects is an approach that results in greater storage minimums and fire suppression capabilities than currently required by code. As indicated above, the Project location is very near multiple water providers including Rincon MWD, City of Escondido, Vallecitos WD, and Olivenhain MWD, each with robust systems and capacity. In addition, substantial reservoirs (Olivenhain and Lake Hodges) are within 1 and 1.5 air miles from the site, offering aerial firefighting water sources in a very short flight time from the Project. Aerial attack is one of the most important firefighting tools and having significant water sources with fast turnaround times will augment ground-based, hydrant dependent firefighting. As stated above, the Project received a water service availability form from Rincon MWD (2018 FEIR Appendix O).

The County has evaluated the Project location and construction requirements to minimize future wildfire risks, enhance the Project's fire resiliency (as well as that of its immediate neighbors), and protect the health and safety of local residents and natural resources. Similarly, based on considerations of timing, road capacity, alternative plans, emergency access/egress, and proximity and capacity of fire services, Project wildfire and evacuation analyses are consistent with the AG guidance.

No new impacts are identified based on AG Guidance, and no changes to CEQA conclusions provided regarding fire safety in the 2018 FEIR are required.

8.7.4.7 *California Office of Planning and Research WUI Guidelines Are Consistent with 2018 Project Analyses and Do Not Result in Changes to 2018 FEIR CEQA Conclusions and Therefore Are Immaterial*

Several comments referenced the new WUI Guidelines, which were not available at the time the HGV South Project was approved. Please see the matrix below for Project comparison against these guidelines. It is consistent with all the measures.

Source: California Office of Planning and Research	**Fire Hazard Planning Technical Advisory General Plan Technical Advice Series 2020 Update Public Review Draft – November 2020**	
Recommended Measures	**HGV South Consistent?**	**Comment**
Avoid expanding new development, critical facilities, and infrastructure in areas subject to extreme threat or high risk, such as High or Very High FHSZs or areas classified by CAL FIRE as having an Extreme Threat classification on Fire Threat maps, unless all feasible risk reduction measures have been incorporated into project designs or conditions of approval.	Yes	HGV South occurs within a Very High FHSZ, but includes all feasible risk reduction measures required AND exceeds requirements in several key ways: wider FMZs, enhanced ember-resistant vents, excess parking, temporary refuge center, and others.
Prohibit land uses that could exacerbate the risk of ignitions in High or Very High FHSZs, such as outdoor storage of hazardous or highly flammable materials, automobile service or gas stations, or temporary fireworks sales.	Yes	HGV South does not include land uses that would exacerbate risk of ignitions like hazardous or highly flammable materials or others.
Prohibit land uses that could place occupants at unreasonable risk in high or very high fire hazard severity areas, such as areas with large events or assembly of people, health care facilities, etc.	Yes	HGV South does not include large events or assembly of people or health care facilities. HGV South is a hardened, defensible residential community that includes hardened evacuation routes out of the area.
Update local zoning and subdivision codes to designate wildfire hazard overlay zones and associated conditional use, site development standards, and design criteria to mitigate wildfire hazards and reduce risks to new development within the overlay zones.	Yes	Updates to local zoning and subdivision codes are beyond the purview of a proposed project, but HGV South is within an area that is recognized as requiring additional fire safety measures, including site development standards, design criteria, and specific ignition-resistant codes, which are all applied and often exceeded.
Update local codes and ordinances to require preparation of a project-specific fire protection plan (FPP) for all new development projects in high fire hazard severity areas and require that such projects incorporate all recommended risk reduction measures from the FPP into project designs or conditions of approval	Yes	Updates to codes and ordinances to require specific documents are beyond the purview of a proposed project, but HGV South was required to include a project-specific FPP and was also evaluated by a third-party wildfire protection consultant, RSFFPD, and San Diego County Fire Authority. All fire professionals concur that the Project, as proposed, is appropriate for the fire environment in which it is located.
All residential, commercial and industrial construction and development will comply with the statewide Fire Safe Regulations (see CCR, Title 14, Sections 1270 et seq.) relating to roads, water, signing and fuel modification	Yes	HGV South complies with CCR Title 14, Section 1270 et seq. - The Fire Safe Regulations. The code modification was granted for dead end road length; by definition and acceptance of the modification it provides the same practical effect as the code requirement, as determined by the third party reviewer and fire agency that reviewed and accepted the FPP.

Source: California Office of Planning and Research	**Fire Hazard Planning Technical Advisory General Plan Technical Advice Series 2020 Update Public Review Draft – November 2020**	
Recommended Measures	**HGV South Consistent?**	**Comment**
Urban development shall be planned and constructed to resist the encroachment of uncontrolled wildfires from adjacent WUI or wildland areas	Yes	HGV South is an urban development that would be an extension of HGV to the north and Escondido to the east. HGV South includes an ignition-resistant landscape and buildings, including a code-exceeding FMZ around the project's perimeter (variously up to 200 feet wide) and potential fire wall. This FMZ, along with the site-wide FMZ equivalent, was designed to resist encroachment of wildfires, including airborne embers, the leading cause of structure loss during wildfires.
Create a special assessment district to fund and maintain a fuel modification program to reduce wildfire risk.	Yes	HGV South's HOA would be conditioned to fund and manage the maintenance of the FMZs and site-wide landscaping which provides fuel modification equivalent protections.
Public and private property owners shall maintain property in a low risk category (PRC Section 4291 and GC Section 51182)	Yes	Private property owners and HOA-hired contractors would maintain the entire property in a low fire risk category by implementing the RSFFPD's standards and referring to the FPP for specific maintenance requirements.
Landowners shall maintain minimum defensible space from all structures or improvements on their property and work with neighbors and local government to address defensible space within 100’ of structures that lies on adjacent property.	Yes	The HGV South HOA will provide maintenance for all community areas, including the up to 200-foot-wide perimeter FMZs and on-site landscaped areas. Private property owners will maintain their private yards. Inspections will be provided by RSFFPD annually.
Prior to the construction of any structure, whether residential, recreational, or commercial, a site-specific fuel modification plan shall be prepared. The location and development of any road, or any other man-made structure that may act as a fuel barrier, shall be done in consideration of its maximum benefit as a fuel barrier/fire break. The plan shall cover the entire parcel and include measures for modifying fuel loading prior to development and a plan to maintain that protection over time.	Yes	HGV South will be required to submit landscape and fuel modification plans to RSFFPD's urban fire forester who reviews landscape and fuel modification plans for consistency with RSFFPD's requirements and the FPP specifications. This review is above and beyond what most fire agencies are capable of providing. Note that a “draft plan” has already been prepared; 2018 FEIR Figure 1-20b, *Landscape Plan* (incorporating planned species use and placement) was reviewed and approved by County Fire prior to 2018 FEIR approval.
All residences shall comply with the fuel modification requirements of PRC Section 4291, whether located in state responsibility or local responsibility areas.	Yes	HGV South is within an SRA (as is all RSFFPD area) and does comply with PRC Section 4291. It exceeds it by providing at least two times the defensible space as required by Section 4291.
Plan, design, and manage urban open space facilities to reduce wildfire hazards and associated risks.	Yes	Recreational open space areas at HGV South will all be provided with FMZ equivalent landscaping

Source: California Office of Planning and Research	**Fire Hazard Planning Technical Advisory General Plan Technical Advice Series 2020 Update Public Review Draft – November 2020**	
Recommended Measures	**HGV South Consistent?**	**Comment**
		that will be maintained on an ongoing basis and inspected by RSFFPD annually.
Maintain open spaces and urban forests so that ground fuels do not promote the spread of wildfire and aerial fuels do not allow the spread of a fire through the tree canopy	Yes	HGV South FMZs and site-wide landscape will be maintained in an ignition-resistant condition that does not promote wildfire spread and does not facilitate fire into tree crowns.
Public open spaces shall be used as demonstration areas and examples to neighborhood residents for fire-adapted landscapes.	Yes	Community areas of HGV South will be used as "fire safe landscaping demonstration areas" inclusive of interpretive signage.
Update site landscaping standards to be fire-adapted using native vegetation or fire-resistant planting palettes and prohibit flammable landscaping plantings or materials storage within the structure ignition zone (e.g., within 0-5 feet of the structure).	Yes	RSFFPD landscaping standards were rigorously developed and stringently applied to the Project (2018 FEIR Figure 1-20b). Landscape plans must use acceptable species and reviews and inspections by RSFFPD enforce the prohibition against flammable landscape plantings. The ignition zones are also required to meet strict limitations on landscaping and ground covers.
Develop a comprehensive vegetation management and weed-abatement program for open-space areas, including those that are located in or adjacent to existing subdivisions and new development areas.	Yes	RSFFPD has a robust vegetation management and weed-abatement program. The HGV South funded HOA will coordinate with RSFFPD annually to ensure that landscapes and fuel modification areas are maintained to function as they were designed.
Update existing emergency preparedness and response plans and conduct community-facing exercises to enhance disaster preparedness and build local capacity to better address and mitigate health and safety impacts resulting from wildfires.	Yes	HGV South, through requirements of its FPP, would have an active resident outreach program (titled the “All Risk Disaster and Emergency Preparedness Working Guide” in the FPP) including exercises to enhance disaster preparedness. Coordinating with RSFFPD, annual outreach and information will be consistently provided to residents to raise awareness and preparedness.
Identify low risk fire safety areas, including locations that may serve as temporary shelter or refugia during wildfire events.	Yes	HGV South is considered a community where residents could be asked to temporarily refuge within their protected homes. Additionally, the Project has designed an on-site refuge site at the community club house (Center House) where residents (and Project neighbors without equivalently designed structures) could temporarily go during a wildfire event, if directed to do so by the incident managers.
Identify fire defense zones where firefighters can control wildfire without undue risk to their lives.	Yes	HGV South's up to 200-feet-wide perimeter FMZs provide the defensible space needed for tactical firefighting and evacuation operations. The site's

Source: California Office of Planning and Research	**Fire Hazard Planning Technical Advisory General Plan Technical Advice Series 2020 Update Public Review Draft – November 2020**	
Recommended Measures	**HGV South Consistent?**	**Comment**
		interior landscapes also act as FMZs and provide substantial opportunities for fire fighter safety, including at the designated refuge site club house (Center House) that can be used as a staging area.
Provide for adequate fire suppression resources in the local responsibility area, and coordinate with CAL FIRE regarding state responsibility area and scenarios where wildfires affect both areas.	Yes	The Project would pay applicable fees that would contribute to fire protection services in the area. Although beyond the purview of a private project, it is noted that RSFFPD coordinates extensively with CAL FIRE and other regional fire agencies. Fire suppression resources in the vicinity of HGV South are considerable and include response assets from several fire agencies, including airborne firefighting through CAL FIRE, SD County, SD City, and others, as needed.
Develop and adopt coordinated emergency notification and evacuation procedures that may be required across jurisdictional boundaries under extreme wildfire event scenarios.	Yes	San Diego County provides the Reverse 911 tool known as AlertSanDiego. This highly capable system enables surgical notifications as well as region-wide notifications. Other resources, including officers on the ground, radio, television, and social media are used to reach citizens during a wildfire emergency.
The clustered development model contains the same amount of housing as the conventional development. In addition, it allows for a larger agricultural buffer between the development and wildlands, requires less fire suppression resources, and is easier to defend.	Yes	HGV South is a clustered development as depicted in 2018 FEIR Figure 1-6a, *Site Plan*. The concepts that protect clustered developments are applied and the Project would be defensible against the type of wildfire that the fire environment would produce.

8.7.4.8 *Potential New Projects in the HGV South Vicinity Do Not Result in Changes to 2018 FEIR Fire Safety/Evacuation CEQA Conclusions*

Comments were received that discuss additional new projects, and contend that if approved, they would add fire start/wildfire and/or evacuation issues. Two of these projects (the Seguro BESS and the Solaris Business Park projects) are located at the north end of CCD. The other project is part of the buildout of the HGV master community. In any event, as explained above, these comments fail to consider the road improvements and changes in the fire environment that have occurred. (The reader is referred also to the discussion below (Section 8.7.4.9) for general information on fire starts.)

The following roadways have since been finished, should be considered, and were accounted for in the 2018 FEIR as described on Table 8.3.5-1:

- A new road to the east (HGV Parkway) provides an enhanced/more direct route east from CCD and out of the valley through a bridge connection over Escondido Creek into Escondido
- CCD from HGV Parkway to HGR and HGV Parkway from HGR to Citracado Parkway were widened and improved
- The HGR intersection approaches to CCD and HGV Parkway were improved
- Citracado Parkway, described in detail in the 2018 FEIR, has since been completed and would further facilitate future evacuation efforts, by providing access from CCD (via HGR, GHV Parkway, or Kauana Loa Drive) all the way to Auto Park Way, delivering drivers directly into urban Escondido.

It is also noted that another fire emergency access road from Hill Valley Drive to La Moree Road (within the City of San Marcos), will be added by the Valiano project, providing an alternative route to the northern section of CCD (December 2024 Valiano approval).The La Moree connection is also located in the immediate vicinity of both the Seguro and Solaris potential projects.

The County carefully considered the new information regarding potential new projects raised by the commenters to determine whether CEQA would require recirculation of the Project's EIR or if res judicata would no longer apply. The following analysis details the examination of the "new information" or "change in circumstance" raised in the comments and the rationale for the conclusion that the criteria for recirculation were not met. The County relies on its technical expertise, and information that includes the previous record for the Project, information concerning the new projects provided in public documents concerning the same, and other public documentation as noted.

Seguro Facility

One commenter mentioned wildfire resulting in a battery fire and the potential for that to impact evacuation routes off CCD. A fire along the most northern portion of CCD would be likely to result in other evacuation routes being utilized to the south of that point, with traffic directed west or east along HGR and then, as appropriate, toward the coast or into urban Escondido using HGR, or HGV Parkway and Citracado, for instance. There are numerous routes leading out of the area and professional emergency responders would direct traffic as appropriate to the circumstance. Please refer to safety of San Diego evacuations discussed above. Nonetheless, clarifying discussion is provided below with respect to the risk and measures to address the risk associated with a potential battery storage project.

Per the 2023 Initial Study, the Seguro facility would consist of a 400-megawatt (MW) battery storage facility and a battery energy storage system (BESS) that would interconnect to the San Diego Gas & Electric (SDG&E) Escondido Substation via a proposed generation tie (gen-tie) line. The project site is approximately 22.55 acres in size and the gen-tie line would be approximately 1 mile in length. No residential uses are proposed.

BESS projects are required to follow state County, and local fire codes. The San Marcos Fire Department is the authority having jurisdiction and they have published Protection Guidelines for

Lithium-Ion BESS Facilities which require an extensive set of analyses and requirements before a Project can be considered for approval. Among the technical analyses required are:

- Plume modeling report
- Emergency preparedness plans
- Fire alarm design documents for parts of the system that are not included in a pre-engineered system's listing documents
- Site specific hazard mitigation analysis
- Report to demonstrate compliance with applicable requirements of the CFC, with those guidelines, and applicable codes and standards
- Fire protection design documents

In addition, San Marcos has adopted for projects such as BESS safety recommendations from the National Fire Protection Association (NFPA), including the following: include a proper fire suppression system to put out fires such as protections against overheating or thermal runaway (when batteries can overheat and catch fire); be placed at a safe distance from nearby property lines based on a project's Hazard Mitigation Analysis (HMA), which includes a detailed analysis of how fire or smoke might spread (called plume modeling); prepare an FPP; and have a Fire Safety and Evacuation Plan, Emergency Operations Plan, and Emergency Response Plan in place to ensure the safety of people in the event of a fire.[32]

Although the BESS project is still in planning stages, as stated in the 2023 Initial Study, potential 6-to-10 feet block concrete walls are being evaluated for the project. Also, the Initial Study contains dimensions of the enclosed metal cabinets that would house the batteries (and are designed to contain fires should they occur). As stated in the Initial Study, the FPP will describe how the Project will comply with emergency access requirements, water supply, and suppression design measures in consideration of the high concentration of electrical equipment on site. An integrated heat, smoke, gas, and fire detection system is included in project design.

Also per the 2023 Initial Study, the facility would be anticipated to have minimal on-site personnel after the construction period as it would be an unoccupied facility, with on-site personnel present only during intermittent as-needed operational or maintenance needs. Estimates of up to 10 people on site at any given time are typical for a BESS site. This could result in up to 10 vehicles, which would not be enough to make a difference from an evacuation plan perspective, if re-analyzed, this facility would not have a noticeable impact on potential evacuation travel times.

These studies assure the commenter that issues related to wildfire associated with BESS facilities will be fully evaluated by the County. It is important to note consideration of the BESS facilities but also take into account all the mediating safety design features incorporated into the project. Following evaluation of the data provided in the planned EIR and list of technical supporting reports, decision makers will make a decision regarding approval or disapproval of the project. If approved, it will be based on appropriate findings made in the required safety studies and would mean that less than significant impacts were identified for each of those project fire-related safety and evacuation elements.

[32] https://engage.sandiegocounty.gov/bess-bestpracticestudy

Solaris Business Park

The Solaris Business Park would also be located at the far northern end of CCD. The 2022 Initial Study identifies the project as proposed for light industrial, indoor manufacturing, storage, office, medical office, and new auto sales uses located within up to 500,000 SF of structures. No residential uses are proposed. A total of 100 anticipated employees is noted in the Initial Study. From this location, it is a very short distance (less than 0.4 mile) to Auto Park Way, which would deliver drivers directly into an urban setting that offers options for evacuating toward SR-78 or into Escondido toward Valley Parkway.

It is also noted that in addition to TIF payments to the County for cumulative traffic contributions, the HGV South Project proposes improvements to a segment of CCD between Hill Valley Drive and Auto Park Way, as well as improvements to the CCD/Auto Park Way intersection (refer to 2018 FEIR Subchapter 2.2). Should evacuation be required, Solaris users would exit the property onto CCD. It is a short distance to Auto Park Way to the north (or, potentially, to the west along La Moree). The location of this project site minimizes the potential for evacuees to head southward during an evacuation – under ordinary circumstances a wildfire event would be located to the south as the only large open space areas are west and southwest of the Solaris and Seguro locations. The Solaris project's closest evacuation route would be CCD to Auto Park Way, located in close proximity to the north and east of the site, placing Solaris traffic within minutes of the highly urbanized area of Escondido with numerous evacuation options. For the reasons described above, Solaris early evacuation would be unlikely to affect overall evacuation accessibility or timing on CCD. In any event, as stated in 2018 FEIR Section 8.3.4.3, congested (even stop and hold) conditions routinely occur, are expected, and are part of the calculus emergency personnel factor in during evacuation events.

HGV Yoz Community Center

The HGV Yoz Community Center would be located on a parcel above HGV Parkway east of HGV. The project is consistent with the HGV land use plan which identified the location for an institutional use. The project would be developed on 1.85 acres and is proposed to include a multi-use facility offering religious services, mortuary and other related services. A substantial percentage of hardscape and landscaped areas would be provided, neither of which would be considered flammable given County fire-safe landscape requirements. That project is currently pursuing a Major Use Permit and will require CEQA review for that use, including analysis of potential emergency access and egress in conjunction with other existing and currently planned uses in the vicinity. Regardless, this potential project would support intermittent use by visitors. It is not residential in nature, would not have a permanent residential or business population present 24 hours a day, and would be located directly across HGV Parkway from the fire station. Should evacuation be required, users would exit via wide and fire-wise landscaped HGV Parkway directly toward urban Escondido. It is expected that they would be out and away prior to Harmony Grove area residents completing preparations to evacuate. No significant effect on evacuation accessibility or timing would occur.

Conclusion

In conclusion, these projects would not significantly impact or add cumulatively to HGV South's evacuation analysis. This is due to: (1) lack of permanent residents (e.g. workers with few personal belongings to pack and no overnight evacuations), (2) low numbers of potential employees, (3) visitors being intermittent in nature, (4) distance of two projects from HGV South, (5) proximity of one project to the fire station on HGV Parkway (across the street), (6) proximity of all projects to City of Escondido urban roads, and (7) the ease with which project visitors/attendees could immediately leave an area, which is expected to precede community residents in road use, resulting in no or minimal additions to potential congestion.

For all three projects, if any one (or all) of these projects is approved, the restrictive design and operational requirements would result in there being no significant and unmitigated impacts. If a project fails to meet safety requirements, the County could deny the project, and no effect (even a less than significant one) would occur. No change to Project analyses is required. As such, the potential implementation of these projects is immaterial to 2018 Project cumulative analysis conclusions.

8.7.4.9 *Clarified Fire Starts / Ignitions and Housing Density Review is Consistent with 2018 Analyses and Does Not Result in Changes to 2018 FEIR CEQA Conclusions*

Comments questioned whether conversion of wildland into development reduces fire risk, as well as increased risk of ignition associated with increased population. The general topic of anthropogenic fire starts was addressed in 2018 FEIR Response to Comment O6-23, and the reader is referred to that response. Certain human activities result in sparks, flames, or heat that may ignite vegetative fuels without proper prevention measures in place. These ignitions predominantly occur as accidents, but may also be purposeful, such as in the case of arson. Roadways are a particularly high source for wildfire ignitions due to high usage and vehicle-caused fires (e.g., catalytic converter failure, overheated brakes, dragging chains, tossed cigarettes, etc.). In San Diego County, the population living at, working in, or traveling through the wildland urban interface is vast and provides a significant opportunity for ignitions every day. However, it is a relatively rare event when a wildfire occurs, and an even rarer event when a wildfire escapes initial containment efforts.

As discussed in 2018 FEIR text and responses to comments, the removal of dense flammable native vegetation and replacement with ignition-resistant landscapes in master planned developments, like HGV South, is not associated with increased vegetation ignitions. Most fires are initiated from equipment, followed closely by power lines, and are therefore more likely to occur close to roads and structures. Also as discussed in the 2018 FEIR, housing density directly influences susceptibility to fire because in higher density developments, there is one interface (the community perimeter) with the wildlands. In lower density development, there is more structural exposure. The intermix includes housing amongst flammable vegetation, whereas the Proposed Project would convert fuels within the development footprint and provide a wide, managed FMZ separating homes from unmaintained fuel (thereby creating a condition that makes defense easier). As stated in the 2018 FEIR, specifically in relation to low versus higher density developments

(page RTC-O6-14) relative to Mann et al. 2016 text and discussion of fire starts and their relation to development:

> *In areas with a low adjacent housing density, the likelihood of fires... …decreases… as characteristics of the built urban environment and increased suppression effort reduce it." The study acknowledges that development of areas (even development that is not as fire hardened as HGV South) will reduce the number of fires, dramatically, following initial development.*

The fact that the Project is clustered and would therefore minimize edge effects overall is specifically noted on numerous pages of the 2018 FEIR (see, for example, 2018 FEIR pages S-5; 1-28 [now 1-27] and 53; 2.3-36, -40 and -54; 3.1.3-24; 3.1.5-13, -16, -23, -36, -38; 4-5 and -34; 7-28 and -33 [now 7-29 and -35]; and 8-21, with specific fire-related discussion on page 3.1.3-21 where the FEIR states:

> *Additional project design features (see Table 1-2) that would implement the intent of the FPP include clustering of the residential footprint to minimize placement of homes adjacent to wildland fuels (all structures would be a minimum of 100 feet distant from wildland fuels) and shorten emergency response time.*

There is no evidence supporting the opinion that a master planned community with the designed, implemented, and maintained protections results in increased ignitions. For example, common vegetation ignition sources like distribution power lines and vehicles are addressed through undergrounding power lines and providing roadside fuel modification. Structural fires are prevented through ignition-resistant materials and interior sprinkler systems. Other human-caused ignitions do not spread through the carefully selected and maintained landscapes and FMZ buffers. Ignitions that may occur are controlled quickly by nearby fire stations.

Further, the requirement that all structures would include interior fire sprinklers significantly reduces the likelihood that a building fire spreads to the point of flashover, where a structure will burn beyond control and produce embers. Interior sprinklers are very efficient, keeping fires to the room of origin, or extinguishing the fire before the responding firefighters arrive. Similarly, the irrigated FMZs are positioned throughout the development areas as well as being the first zones on the perimeter of the Project. Irrigated zones include plants with high internal moisture and spacing between plants and plant groups that: (1) make it difficult to ignite, and (2) make it difficult for fire to spread plant to plant. Lastly, the nearby HGV fire station would result in fast firefighter response, key in limiting the growth of fires beyond the incipient stage. These data were presented in Project PDFs and were repetitive in the document (including Chapters 1.0, 7.0, and 8.0, as well as Section 3.1.3).

The same protections that starve wildfire of fuels and minimize or prevent wildfire from transitioning into a higher density community such as HGV South also serve to minimize or prevent on-site fires from transitioning into the wildlands. For example, as stated on 2018 FEIR page RTC-I39b-8:

> *The conversion of fuels in this area provides a benefit to some legacy residents as it creates a buffer that will act as a fuel break, slowing fire spread and changing*

> *fire behavior. The HGV South Project's location is advantageous because it is not built on slopes or at the top of ridges, where fires typically burn more aggressively up the shrub covered slopes. [T]he FPP/EIR analysis concludes that the potential increase in ignition sources with the Project is offset by the fire protection features and outreach and there are no statistics or real-life examples that these types of developments cause additional fires, as indicated by the acceptance of the Project's FPP by the fire authorities in charge...*

And,

> *This same robust fire protection system provides protections from on-site fire spreading to off-site vegetation. Accidental fires within the landscape or structures in the Project will have limited ability to spread. The landscape throughout the Project and on its perimeter will be highly maintained and much of it irrigated, which further reduces its ignition potential. Structures will be highly ignition-resistant on the exterior, and the interiors will be protected with automatic sprinkler systems, which have a very high success rate for confining fires or extinguishing them* (2018 FEIR pages 8-39, RTC-O6-14, and RTC-I39b-8).

As discussed in detail throughout the FPP, HGV South would be an ignition-resistant community designed to include managed and maintained fire protection components, modern Fire Code-compliant safety features and specific measures provided where ignitions are most likely to occur (such as roadways). Project PDFs requiring appropriate fuel management are detailed and addressed in Hazards PDFs 8 through 15.

8.7.4.10 *Conclusion*

Each of the Section 8.7.4 discussion topics above, individually and in concert, demonstrate that comments have not raised new issues or topics requiring changes to 2018 FEIR CEQA conclusions. Each item is either duplicative of, or consistent with, 2018 FEIR discussions approved by the Court during Project litigation. No additional analysis is required for these global response issues, and no changes are required to 2018 FEIR CEQA conclusions regarding fire safety and associated fire safety analyses.

8.8 Individual Comments and Responses

Each comment letter is provided below in the order shown in Subchapter 8.6 of this chapter. The letters are provided in side-by-side format with their responses. Each letter is identified as being authored by representatives of an organization (O) or individual (I). Within those designations, the comments are identified as part of the 2024 GHG recirculation (Re) by number (e.g., O1, I1), and the issues within each comment letter are bracketed and numbered. Responses are numbered to correspond with the bracketed comments and are located immediately adjacent to the comments as possible, within a side-by-side format.

COMMENTS	RESPONSES

Comment Letter ReO1

CHATTEN-BROWN LAW GROUP

Chatten-Brown Law Group, APC
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October 7, 2024

Via email

Bianca Lorenzana (*Bianca.Lorenzana@sdcounty.ca.gov*)
Planning & Development Services
5510 Overland Ave., Suite 210
San Diego, CA 92123

Re: Harmony Grove Village South 2024 Final Environmental Impact Report

Dear Ms. Lorenzana:

ReO1-1

On behalf of the Sierra Club, we provide the following comments on the proposed Harmony Grove Village South development ("Project") and Environmental Impact Report ("EIR").

I. The Court Mandated Rescission of the Entire Environmental Impact Report

At the outset, we wish to correct inaccuracies in the County of San Diego's ("County") Notice of Public Review that it sent out in relation to the Project on August 22, 2024.

The Notice states it is "re-circulating" only the greenhouse gas ("GHG") related portions of the EIR on the grounds that "the California Court of Appeal (Court) found that the 2018 FEIR was adequate in all respects except for one: the GHG mitigation measures relative to credit purchase." The Notice concludes that "[a]ll other issues have been fully resolved by litigation and, as such, are not subject to further examination and the conclusion as to CEQA significance (significant and mitigable) to the 2018 FEIR remain the same."

ReO1-2

In directing the County to de-certify the *entire* EIR and rescind all project approvals, the Court of Appeal explained:

> We do, however, agree with Sierra Club's assertion that severance 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.'

(*Sierra Club v. County of San Diego* (Dec. 21, 2021, Nos. D077548, D077972) ___Cal.App.5th___ [unpublished].)

Response to Comment ReO1-1

Introductory comments noted. They do not pertain to adequacy of the environmental analysis presented in the EIR and do not require response.

Response to Comment ReO1-2

The comment misrepresents the ruling in the *Sierra Club* case,[1] with its selective quote from the decision. While the matter involved the validity of the GHG mitigation measure for two projects (Valiano and HGV South), only Valiano requested severance of its mitigation measure from the remaining EIR. Specifically, Valiano argued that the Trial Court should be directed to issue a partial writ of mandate requiring the County "to revise M-GHG-1 to supply the necessary protocols for carbon offsets originating outside of the county in accordance with Golden Door II." The Appellate Court disagreed with this approach because revising the mitigation measure as suggested by Valiano required reliance on the County's Climate Action Plan (CAP) and the concomitant version of M-GHG-1, the status of which was unknown at the time. Also, if offsets were not available, then the project would likely require modifications in other areas. The Appellate Court left it to the County to reexamine what form a new mitigation measure might take; whether additional alternatives are feasible or must be analyzed; or whether a new mitigation measure might require revisions to the various areas of the remaining EIR (supra, page 37). It is important to note that the *Sierra Club* case only addressed the issue of severance related to Valiano's request to fix its GHG measure that would still require the purchase of offset credits. In any event, despite the differences from Valiano's request and the mitigation measure now being proposed by HGV South, the County considered the Appellate Court's ruling when determining the course of action to take with respect to HGV South.

[1] Sierra Club v. County of San Diego; December 21, 2021; case No. 37-2018-00043084-CU-TT-CTL.

COMMENTS	RESPONSES
Comment Letter ReO1 Lorenzana October 7, 2024 Page 2 The prior EIR was decertified in its entirety. The County must consider anew the *entire* EIR, not just one re-circulated section, before any approval of the Project. The public must have the opportunity to comment on the remaining sections of the newly published draft EIR, including the opportunity to comment on additional feasible alternatives, as described by the Court of Appeal. Additionally, the to the extent that changed circumstances impact the draft EIR's conclusions and obligate new analysis and mitigation under the California Environmental Quality Act ("CEQA"), the public must also have the opportunity to comment. ReO1-2 cont. **II. The Project Fails to Adequately Disclose, Analyze, and Mitigate its Vehicle Miles Travelled Impacts** ReO1-3 As demonstrated in the above section, the EIR and the Project's approvals were *all* rescinded for violations of CEQA. The Applicant has decided to re-apply for the Project and the County must now consider the Project anew. Effective July 1, 2020, the State of California ("State") issued a new mandate, changing how projects must analyze their transportation impacts. Rather than consider a project's impacts to other drivers, measured as "Level of Service," agencies must analyze and mitigate a project's impacts to "Vehicles Miles Travelled." The State explains the rationale for this change: > SB 743 (Steinberg, 2013) updates the way transportation impacts are measured in California for new development projects, making sure they are built in a way that allows Californians more options to drive less. This change will help us achieve our climate commitments, preserve our environment, improve our health and safety--particularly for our most vulnerable residents--and boost our economy by prioritizing co-located jobs, services, and housing. It will also reduce the time we need to spend in our cars to get places and provide more choices for how we travel, which will help to promote business, provide access to opportunity, and improve the quality of life across our state. ReO1-4 ("CEQA Transportation Impacts (SB 743)", Office of Planning and Research.)[1] The State further explains that using LOS as the measure of transportation impacts "[l]eads to more sprawl instead of encouraging more walkable neighborhoods," "[f]orces [agencies] to prioritize cars over people walking, biking, and taking transit, which leads to more car travel and exacerbates regional congestion," and [c]auses development to be more spread out, ironically [1] https://opr.ca.gov/ceqa/sb-743/	An order directing a local agency to set aside its certification of a final EIR does not mean the agency is required to start the EIR process all over again. Rather, a local agency can determine the appropriate way to correct the deficiency in the EIR before considering recertification. The form of that correction is a matter for the local agency to determine in the first instance. (Protect the Historic Amador Waterways v. Amador Water Agency [2004] 116 Cal.App.4th 1099.) The fact that a writ requires decertification of the entire EIR and nullification of related entitlements does not change this result (California Oak Foundation v. City of Santa Clarita [2005] 133 Cal. App.4th 1219, 1243.) This is consistent with the *Sierra Club* case in which the Appellate Court explains that the County (not the Appellate Court) must reexamine any new proposed mitigation measure to determine if additional analysis in the associated EIR would be required. The remaining comment does not address any specific CEQA requirements. The GHG mitigation measure as proposed was determined not to result in the need for changes to the significance conclusions of other EIR sections; refer to Global Responses: Res Judicata and New Information as well as Lack of Need for Recirculation. It is correct that with approval of the Project, the EIR would need to be recertified by the County. **Response to Comment ReO1-3** The comment incorrectly states that the *Sierra Club* case demonstrates that the Project's approvals were all rescinded for ***violations*** of CEQA. As stated above, the Appellate Court found that the Project's 2018 FEIR complied with CEQA except for one issue related to its GHG mitigation measure. Moreover, the Applicant is not reapplying to the County for approval of its Project. The Board of Supervisors will reconsider approval of the Project and certification of the EIR; however, no new application for the Project is required as no change to the proposed action has occurred. Please also refer to Response to Comment ReO1-2. **Response to Comment ReO1-4** Comments summarize information related to SB 743 and the evaluation of transportation impacts under CEQA. They do not pertain to adequacy of the environmental analysis presented in the EIR and do not require response.

COMMENTS	RESPONSES

Comment Letter ReO1

making it harder for residents to reach their daily destinations without driving long distances." (*Ibid.*)

SB 743 was intended to "[s]treamline infill, preserving agricultural lands and open space for growing food, for recreation, and for maintaining ecological biodiversity," and "[c]onserve lands surrounding cities that make our communities safer and more livable, like important wildfire buffers, wetlands to prevent flooding, and green space to offset the heat and pollution generated by urban areas." (*Ibid.*)

ReO1-4 cont.

A. The EIR Is Required to Utilize VMT for Analyzing Transportation Impacts

Starting on July 1, 2020, VMT analysis in CEQA documents is required statewide. According to the State: "If an environmental document has not yet been sent out for public review before July 1, 2020, the agency's environmental document must use VMT for analyzing transportation impacts using VMT as of July 1." (*Ibid.*; see CEQA Guidelines, § 15007(c) ["If a document meets the content requirements in effect when the document is sent out for public review, the document shall not need to be revised to conform to any new content requirements in Guideline amendments taking effect before the document is finally approved."].)

ReO1-5

The de-certified Harmony Grove Village South 2018 EIR ("2018 EIR") declined to utilize VMT for its transportation impact analysis. When considering the Project's consistency with the California Air Resources Board ("CARB") recommendation to "[c]omply with lead agency's standards for mitigating transportation Impacts under SB 743," the 2018 EIR stated:

> **Not Applicable**. The Governor's Office of Planning and Research (OPR) has not yet adopted amendments to the State CEQA Guidelines pursuant to Senate Bill (SB) 743. Additionally, the County of San Diego has not adopted guidelines or guidance regarding the implementation of SB 743 at the jurisdictional level, and its obligation to do so will be triggered upon completion of OPR's amendment process to the State CEQA Guidelines.

ReO1-6

(May 2018 Draft Final Environmental Impact Report, Appendix J, Attachment D, p. 3-4, emphasis added.)

Perhaps in an attempt to feign compliance with the State's new requirements, the County published a "Harmony Grove Village South Infill Analysis Memorandum," as Appendix 1 to the revised GHG section of the Project's "re-circulated" 2024 EIR. ("Infill Memo").

ReO1-7

Not only is the Infill Memo inaccurate, as described in the following Section II(C), it does not fulfill Senate Bill 743's requirements. The 2018 was de-certified in its entirety, and Senate Bill 743's requirements became effective July 1, 2020. Thus, the County is required to analyze the

Response to Comment ReO1-5

The comment incorrectly states that the Project must utilize VMT as a result of the adoption of SB 743. The issue of VMT was previously litigated and is, therefore, precluded from further discussion because of res judicata. The doctrine of res judicata bars relitigating a cause of action previously adjudicated in another proceeding between the same parties or parties in privity with them. Whether the EIR has been decertified does not alter the fact that the sufficiency of an EIR has been litigated and resolved and res judicata applies. (Ione Valley Land, Air & Water Defense Alliance, LLC v. County of Amador [2019] 33 Cal.App.5th 165, 172.) This issue was raised in the Petition on page 22 (i.e., "the increase in VMT caused by these projects or transportation-related energy consumption on a cumulative basis.") The Appellate Court determined that the potential underlying injury was adequately addressed:

> *[W]e must conclude the Project is consistent: the EIR evaluated the associated land uses; reflects County's effort to move future development closer to cities, shopping and employment centers; shows the Project is consistent with vehicle mileage projections; and encourages local walking in keeping with the plan.* (Appellate Decision, page 66).

Nor would the County's new VMT Guidelines be considered "new information" that would trigger recirculation of the transportation analysis in the 2018 EIR or the preparation of a subsequent EIR (see Global Response: Res Judicata and New Information). Because VMT (and the adoption of VMT guidelines) was already well known when the 2018 FEIR was prepared, the public was not deprived of a meaningful opportunity during the preparation of the EIR to comment upon any potential adverse environmental effect that the Project could have regarding use of VMT (see CEQA Guidelines Section 15088.5[a]). VMT and its impacts were known from at least 2006, and CEQA Guidelines Section 15064.3 (the section requiring VMT to analyze traffic impacts) operates "prospectively"; subsequent changes to the guidelines are not considered "significant new information" that would trigger additional

COMMENTS	RESPONSES
	review. (Olen Properties Corp v. City of Newport Beach [2023] 93 CA5th 270, 280-281.) Finally, the Project met the precise standards as noted in the comment, having been sent out for public review in 2017, and therefore does not require revision for using LOS standards. Nonetheless, it is noted that a 2024-circulated and discussed infill analysis was included for public review between August 22 and October 7, 2024. Please refer to Global Responses: Res Judicata and New Information and Lack of Need for Recirculation. **Response to Comment ReO1-6** To be clear, the Project is not required to utilize VMT for the reason explained above in Response ReO1-5. Therefore, the commenter's quote from the 2018 EIR is not relevant. Please refer to Response to Comment ReO1-5 regarding "declining" use of VMT Guidelines more than three years before 2020. Comments provide a summary of information provided in the 2018 FEIR. They do not pertain to the adequacy of the environmental analysis presented in the EIR and do not require response. **Response to Comment ReO1-7** As stated in Response to Comments ReO1-5, the Project is not required to comply with the County's 2022 TSG, including the requirement to prepare a VMT analysis or in this case, an infill analysis. Nevertheless, the Project prepared an Infill Analysis to determine if the Project also met the County's "infill" requirements, as outlined in Section 3.3.1 of the 2022 TSG. At the time of preparation of the Subchapter 2.7 and Attachments, the County was involved in litigation regarding two of its VMT thresholds: (1) "infill" projects proposed to be built within the County's unincorporated villages (the infill threshold); and (2) projects expected to generate no more than 110 automobile trips per day. The California Court of Appeal, Division One, has since held that the evidentiary record developed by the County failed to support the adopted thresholds, and on that basis held that the two thresholds were found noncompliant with CEQA. Although no longer relevant because of the recent Court of Appeal's VMT decision, the analysis found that the Project would be consistent with the County's infill requirements. <u>But to be clear, the Project is</u>

Project's *transportation* impacts in accordance with Cal. Code Regs. tit. 14 ("CEQA Guidelines") Section 15064.3, which identifies VMT – "the amount and distance of automobile travel attributable to a project" as the appropriate measure for transportation impacts.

The Infill Memo, which is attached as an appendix to a "re-circulated" GHG section, fails to comply with SB 743's requirement that the EIR base its transportation impact analysis – including its consideration of Project alternatives and mitigation measures – on the level of VMT generated by the Project. And, as discussed in the following section, the amount of VMT is substantial. ReO1-7 cont.

B. The Project Would Result in Significant Transportation Impacts

Harmony Grove Village South is a sprawl project that subverts the State's goals. It is located in an area that has since been designated by the San Diego Association of Governments ("SANDAG") as having high levels of "Vehicle Miles Travelled." (**Exhibit A** [excerpts of SANDAG's "San Diego Region SB 743 Maps"].[2]) SANDAG is San Diego County's metropolitan planning organization ("MPO").[3] ReO1-8

The Project is the antithesis of "infill" development as defined by the State. As noted earlier, the Project is located in an area identified as producing the highest category of VMT. (**Exhibit A**.) The Project is not located near any transit. (**Exhibit B**, Excerpts from County's Transportation Study Guidelines Identifying Existing and Planned Major Transit.) The Project would convert biologically sensitive habitat lands designated as "rural" under the County's General Plan. The Attorney General's Office filed an Amicus Brief in *Golden Door* (which involved litigation challenging the County's Climate Action Plan's use of faulty carbon offsets) that specifically identified concerns over *this* Project's excessive production of VMT. ReO1-9

[2] SANDAG provides the following information about its SB 743 VMT Maps: "The California Senate Bill 743 (SB 743) (Steinberg, 2013) VMT maps provide an estimate of personal vehicle travel by residents and employees within the San Diego region. The California Office of Planning and Research released a Technical Advisory on Evaluating Transportation Impacts in CEQA (https://opr.ca.gov/ceqa/sb-743/) and the maps provided by SANDAG are an interpretation of the guidelines provided as a resource to the jurisdictions in our region to use as they see fit. The estimated data in these maps are an analysis of travel using SANDAG's ABM. The currently approved ABM version (14.2.2) used for the 2021 Regional Plan is ABM2+ with the Series 14 Growth Forecast version 38. The historic version of the ABM (14.1.1) was used for the 2019 Regional Transportation Plan with the Series 14 Growth Forecast version 17." Available at: https://www.sandag.org/-/media/SANDAG/Documents/PDF/data-and-research/geographic-information-systems/california-senate-bill-743-vehicle-miles-traveled-documentation-2022-02-11.pdf.

[3] "About SANDAG." https://www.sandag.org/about

not relying on an exemption from the TSG based on the Infill Analysis and the Project's election to prepare an Infill Analysis does not change the fact that the Project is not required to prepare a VMT analysis.

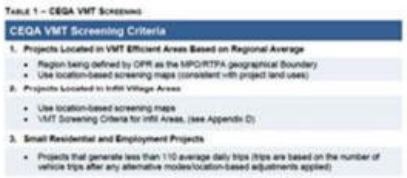
Response to Comment ReO1-8

The SANDAG maps referenced in the comment are based on 2016 data, while analysis of the Project under the quantitative criteria of the TSG indicated the Project site qualified as an infill area under the County's "infill" requirements, as outlined in Section 3.3.1 of the 2022 TSG. (It is also noted that as stated in Commenter's footnote to this comment, the SANDAG maps are an "estimate" and "are an interpretation of the guidelines *provided as a resource to the jurisdictions in our region to use as they see fit*" [emphasis added].) These maps do not dictate the significance of transportation impacts in the unincorporated County. Moreover, and unrelated to the analysis of the TSG, the County also determined that the Project's location is well-suited for regional growth and is not in an isolated rural area. For a discussion of why the County found the Project and its location to be consistent with goals to reduce sprawl and be located adjacent to jobs, services and shopping, please refer to Section 8.3.6.1 of the 2018 FEIR. In brief, however, the Project is located in proximity to two cities, San Marcos and Escondido, which contain shopping, educational and job opportunities, and public transit hubs. It is within a 2-mile radius of expansive employment centers and a concentration of urban and mixed land uses that include Palomar Hospital, Stone Brewery, numerous "big box" retail stores with surrounding retail, apartment complexes, mobile home parks, and a large-scale automobile mall. The Escondido Research and Technology Center (ERTC; an industrial/commercial employment and services center accessed by Harmony Grove Road [HGR]), and a confluence of regional transportation connectors (I-15 and SR-78), are located within approximately 2.5 miles of the Project site. Finally, this Project is within approximately 3 miles of the Nordahl Transit Station. Further discussion of this topic is provided in Response to Comment ReO1-13 relative to SANDAG maps.

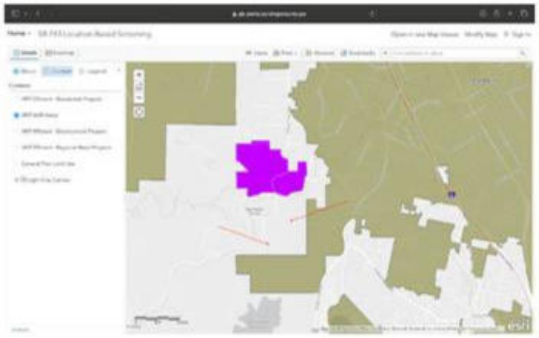
Specifically related to the lack of existing transit in the Project area, the Project cannot initiate transit service in the area but provides a "transit ready"

COMMENTS	RESPONSES
Comment Letter ReO1 Lorenzana October 7, 2024 Page 5 As the Court of Appeal explained: > In a related argument, Plaintiffs assert that "the SEIR does not fully address how facilitating **sprawl development** and increased VMTs by authorizing out-of-County offsets would be consistent with the [Regional Plan]." Appearing as amicus curiae, **the Attorney General amplifies these arguments**, noting that one of the GPAs, Harmony Grove Village South, will increase VMT by 11.5 million miles annually. (*Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467, 539, emphasis added.) The County's own TSG identifies the site as having the lowest possible "[a]ccess to Retail and Restaurants within 1-mile, by TAZ." (TSG, Appendix D, Figure 13: Retail and Restaurant Accessibility in San Diego County.) Google Maps Satellite Imagery of the Project site and its surroundings further underscore the rural nature of the site and immediately surrounding area: ReO1-9 cont. ReO1-10 ReO1-11	development with a turnout to provide a bus stop when service to the area is initiated. **Response to Comment ReO1-9** The Project would convert sensitive habitats on the site but would provide on-site preservation and compensatory mitigation increasing preservation of these habitats in the region. Please refer to Section 2.3, *Biological Resources*, of the EIR. The challenge to the County CAP Program EIR in Golden Door litigation is immaterial to the Project and this RFEIR, which does not rely on that Supplemental EIR or the associated 2018 CAP for its evaluation of project-level impacts. It is noted, however, that the Project does not request authorization of out-of-County offset credits. Mitigation would be accomplished within the County. Further, it is noted that the Project VMT is estimated to total 10.2 million miles annually, not the 11.5 million miles noted in the comment. There is no threshold for total VMT generation; VMT impacts are typically considered on a per capita basis. To be clear, the Project is not relying on an exemption from the TSG based on the Infill Analysis. Refer to Response to Comment ReO1-5 above. Although the new CEQA Guidelines on VMT became effective in 2020 under SB 743, it is not considered "new information" because the underlying information was otherwise known or should have been known at the time the 2018 FEIR was certified. (Olen Properties Corp v. City of Newport Beach, 93 CA5th at 280-281.) **Response to Comment ReO1-10** Although no longer relevant because of the recent Court of Appeal's VMT decision, the comment notes that the Proposed Project site is identified as having the lowest possible access to retail and restaurants within 1 mile, as per Figure 13 of the Appendix D of the TSG. As noted in Appendix D of the TSG, the definition of an infill area is based on three criteria: (1) housing density, (2) intersection density, and (3) job accessibility. As such, access to retail and restaurants is not a determinant feature in identifying infill areas.

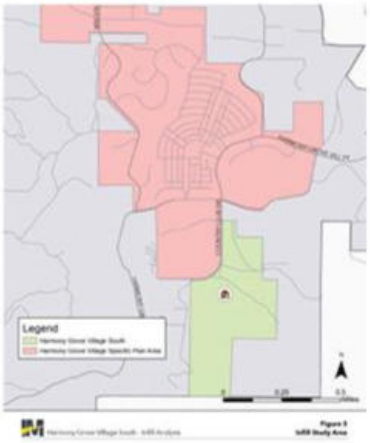
COMMENTS	RESPONSES
Comment Letter ReO1 Lorenzana October 7, 2024 Page 6 Substantial evidence indicates that the Project will result in significant impacts to VMT. The Project would increase units in an area that is completely car-centric, far from any walkable areas or transit, in land designated by the County's General Plan as "rural" and "rural residential." Further, the Project clearly does not qualify as an "Infill Area," as described further below. ReO1-11 cont. ReO1-12	**Response to Comment ReO1-11** Comments provide imagery (including a depiction of the Project site) and surroundings as described in the EIR. Based on the preceding comments, it is assumed that these images are provided to support an argument that the Project should not be considered infill development. However, the imagery does not pertain to the specific criteria for identifying infill areas according to the TSG. In any event, this comment is no longer relevant because of the recent Court of Appeal's VMT decision. As noted in Response to Comment ReO1-7, the Project is not relying on an exemption from the TSG based on the Infill Analysis and the Project's election to prepare an Infill Analysis does not change the fact that the Project is not required to prepare a VMT analysis. **Response to Comment ReO1-12** The comment asserts that the Project would have significant VMT impacts and points to other comments for further description of this topic. No specific response to this comment is necessary; please refer to Response to Comment ReO1-5, which substantiates the Project's position that the County's new VMT Guidelines would not apply to the Project and would not trigger recirculation of the transportation analysis in the 2018 EIR (see also Global Response: Res Judicata and New Information). The comment also incorrectly refers to the Project site as being designated rural when it is primarily designated Semi-Rural Regional Category and (based on that designation alone) could allow up to 220 residential units without consideration of environmental constraints. The Project is seeking a General Plan Amendment which would redesignate a portion of the property from Semi-Rural Regional Category to Village Regional Category and redesignate the land use designation from Semi-Rural Residential 0.5 to Village Residential 10.9 and Neighborhood Commercial. Refer also to 2018 Global Responses: Project Consistency with General Plan Policy LU-1.4 (for additional discussion of villages) and to Global Response: Res Judicata and New Information. Finally, and unrelated to the analysis of the TSG, the County also determined that the Project's location is well-suited for regional growth and is not in an isolated rural area. Refer to Responses to Comments ReO1-5 and -8 regarding

COMMENTS	RESPONSES
Comment Letter ReO1 Lorenzana October 7, 2024 Page 7 **C. The Project Does Not Qualify for the County's Transportation Study Guidelines "Infill" Screening Threshold** The Infill Memo admits that the Project was not identified as an "infill" area in the County's Screening Maps under the County's Transportation Study Guidelines ("TSG"). (Infill Memo, p. 4.) However, the Infill Memo improperly claims that the Project still qualifies for the TSG Infill Area screening threshold. In particular, the Infill Memo claims that "as noted in Table 1 of the TSG, a project is considered infill if it is identified in the County's location based maps OR meets the Infill criteria outlined in the Infill Areas in Unincorporated San Diego County Memo…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." (*Ibid.*)  TABLE 1 – CEQA VMT SCREENING CEQA VMT Screening Criteria 1. Projects Located in VMT Efficient Areas Based on Regional Average • Region being defined by OPR as the MPO/RTPA geographical Boundary • Use location-based screening maps (consistent with project land uses) 2. Projects Located in Infill Village Areas • Use location-based screening maps • VMT Screening Criteria for Infill Areas, (see Appendix D) 3. Small Residential and Employment Projects • Projects that generate less than 110 average daily trips (trips are based on the number of vehicle trips after any alternative modes/location-based adjustments applied) Excerpt of Table 1 of the TSG Section 3.3.1 of the TSG provided further details to Table 1 and the "Infill Village Area" screening criteria (Item # 2 of Table 1). The TSG explain: "Based on definitions and information provided by both the US Census and Department of Transportation, the following criteria was prepared to define and map infill in the unincorporated area… These definitions, metrics and corresponding maps **are further explained in Appendix D**." (TSG, p. 20.) Thus, Appendix D (the "Infill Screening Technical Memorandum – Infill Areas within Transit Opportunity Areas") has already identified areas pursuant to the County's screening criteria. And it has unequivocally identified the Project area as **not qualifying for the VMT screening criteria.** Appendix D explained, "The above [infill] values were used to categorize Traffic Analysis Zones (TAZs) in the Unincorporated County. Out of 1,104 TAZs that lie within the Unincorporated areas of the County, 138 meet the above criteria for household density, intersection density, and jobs accessibility." (TSG, App'x D, p. 9.) ReO1-13	the Appellate Court's finding of consistency; and discussion of shopping, medical, educational, and job opportunities; and public transit, respectively. The Appellate Court agreed (see Response to Comment ReO1-5, above). **Response to Comment ReO1-13** As noted in Response to Comment ReO1-5, above, the Project is not required to comply with the County's 2022 TSG, including the requirement to prepare a VMT analysis or, in this case, an infill analysis. Similarly, the Project's election to prepare an Infill Analysis does not change the fact that the Project is not required to prepare a VMT analysis for the reasons described in ReO1-5. In any event, this comment is no longer relevant because the California Court of Appeal, Division One, has since held that the evidentiary record developed by the County failed to support its adopted thresholds for the infill and small project thresholds and on that basis held these two thresholds noncompliant with CEQA. It should be noted that the location-based maps presented in Appendix D of the TSG utilize 2016 housing data from the SANDAG model. This creates a gap in the analysis as the majority of homes located in Harmony Grove Village (HGV) were constructed post that data gathering period and up to 2022; thus, they were not included in the Appendix D analysis but are part of the baseline considered in the EIR for the Project. Using more refined and updated data, the Infill Analysis found that the housing density within the infill study area is 818 units per square mile, which is well above the 425 housing units per square mile standard for an Urban Area identified by the U.S. Census Bureau. Prior to the development of HGV, the housing densities within the study area were below the density threshold, which is why the Proposed Project area was not identified as infill in Appendix D of the TSG.

COMMENTS	RESPONSES
Comment Letter ReO1 Lorenzana October 7, 2024 Page 8 *Figure 4 of the TSG: Areas of the Unincorporated County Which Meet Infill Definition [in blue] (left), Excerpt from Infill Memo of Project Location [house icon] (right)* In the above Figure 4, the TSG identify the blue shading as "Unincorporated County TAZs which meet infill definition," and the unshaded areas as "Unincorporated County TAZs **which do not meet infill definition**." (TSG, App'x D, p. Figure 4 [emphasis added].) The TSG also identified "Urbanized Areas" under Senate Bill 9 criteria, and demonstrated that the Project area was also not an "Urbanized Area." (TSG G, App'x D, p. Figure 6.) The TSG also mapped potential areas to "expand" the designated Infill Areas, in Figures 14 and 15, and *still* did not identify the Project as qualifying. Thus, not a single map identified the Project site as qualifying for the TSG screening criteria. Finally, the Project also fails to qualify as Infill under the County's online "Location-Based Screening Maps." ReO1-13 cont. ReO1-14 ReO1-15	**Response to Comment ReO1-14** Even though the Project is not required to comply with the County's 2022 TSG, including the requirement to prepare a VMT analysis or in this case, an infill analysis, the following response is provided. The comment notes that the Proposed Project site is not identified as being in an "Urbanized Area" in Figure 6 of the Appendix D of the TSG. As described in the Infill Analysis: > *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 above, however, the majority of HGV homes were still being constructed post 2016; thus, they would not be included in the Appendix D analysis. The comment also notes that the Proposed Project site is not located in the expanded designated infill areas identified in Figures 14 and 15 of Appendix D of the TSG. As noted above, the infill exception was struck down because of the lack of evidentiary information to substantiate its use as a County-wide threshold, nevertheless the Infill Analysis for the Project used more refined and up-to-date data than was included in Appendix D of the TSG. Based on these data, the Proposed Project site was identified to be within an infill area, per the County of San Diego's TSG definition and screening criteria. Regardless, the Project is not required to comply with the County's 2022 TSG, including the requirement to prepare a VMT analysis or in this case, an infill analysis. Refer to ReO1-5 above, as well as ReO1-23, below, and Global Response: Res Judicata and New Information.

COMMENTS	RESPONSES
Comment Letter ReO1 Lorenzana October 7, 2024 Page 9  *(County of San Diego SB 743 Location-Based Screening Map showing "VMT Infill Areas" in Purple, with red arrows added over the Project site)*[4] The County's TSG, and the propriety of their inclusion of qualitative "Infill Areas" rather than quantitative VMT-based thresholds is currently being considered by the Court of Appeal. (See *Cleveland National Forest Foundation et. al. v. County of San Diego*, Case No. D083555.) In defending its Infill Area thresholds, the County argued the following in its Respondent's Brief, filed on July 23, 2024: > According to the TSG, all land development projects are required to prepare a detailed transportation VMT analysis, except those that meet at least one of the stated criteria, which include the following as relevant to Appellants' claims: > • Projects located in a VMT Efficient area (where VMT is at least 15% below the regional average); > • Projects located in an Infill Village area; and > • Small residential and employment projects (less than 110 average daily trips [ADT]) > (AR 23179.) …The Infill Threshold was developed based on the Infill Screening Technical Memorandum ("Infill Memo"). (AA 23223–49 [TSG Appendix D].) The Infill Memo evaluated multiple land use and transportation network [4] https://gis-portal.sandiegocounty.gov/arcgis/home/webmap/viewer.html?webmap=775c6c08842c435fa90d2b8ad77eed76 ReO1-15 cont.	**Response to Comment ReO1-15** Even though the Project is not required to comply with the County's 2022 TSG, including the requirement to prepare a VMT analysis or, in this case, an infill analysis, the following response is provided. The comment notes that the Proposed Project site is not located within an infill area per the County's Location Based Screening Maps. The County's Screening Maps are based on the Maps included in Appendix D of the TSG, which include outdated housing data for the Project area; refer to Response to Comment ReO1-13. Please also refer to Response to Comment ReO1-7 regarding the fact that the Project is not relying on an exemption from the TSG based on the Infill Analysis, and that the Project's election to prepare an Infill Analysis does not change the fact that the Project is not required to prepare a VMT analysis.

COMMENTS	RESPONSES
Comment Letter ReO1 Lorenzana October 7, 2024 Page 10 variables to create a quantitative definition for "infill development" in the County, including household density, intersection density, and jobs accessibility. (AR 23225; AR 23229–31.) The areas that meet the infill definition generally align with intuitive concepts of urban areas; these locations are close to incorporated cities and within the sphere of development for urbanized San Diego. (AR 23232.) The following is a screening map, included in the TSG at AR 23219, **which shows the defined Infill Areas**, along with the VMT-Efficient Areas…" (**Exhibit C**, County Respondent's Brief Excerpts.) The County's map that it provided to the Court of Appeal identified the Project site as **not** qualifying as an Infill Village Area. (*Ibid.*) The County further told the Court that "a project only complies with the TSG's infill threshold if it meets the criteria for infill development and is within a [Transit Opportunity Area]." As demonstrated by the County's map in its brief, the Project is not within a Transit Opportunity Area. (*Ibid.*) ReO1-15 cont. Finally, the County defended its decision to expand its Infill Areas to include the entire boundaries of General Plan-designated Villages, stating its experts found "the identified Village Areas as ideal locations to increase land use densities," …"[a]s such, a project located 'in a village context within the county can be considered an infill location because those locations represent the areas within the county that have the most compact land use pattern (**as compared to rural areas**)." (*Ibid.*, emphasis added.) ReO1-16 The Project site is designated by the General Plan as rural and rural residential. It is NOT a designated Village. Nor it is a designated "Transit Opportunity Area" or "Infill Area." To circumvent these facts, Project Infill Memo improperly includes the Harmony Grove Project Specific Plan area—which the County has designated as "infill"—in evaluating whether the Proposed Project area meets the County's "infill criteria." (Infill Memo, p. 6.) The Infill Memo states it 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*." (Ibid.) ReO1-17 Therefore, the Infill Memo does not provide an analysis of the Project site. The Project is *not* in the Harmony Grove Village Specific Plan. (Harmony Grove Specific Plan, Figure 2.)[5] [5] Available at: https://www.sandiegocounty.gov/content/dam/sdc/pds/advance/specificplans/Harmony-Grove-Village-Specific-Plan.pdf	**Response to Comment ReO1-16** The comment is not relevant to the Project. The Project is not required to comply with the County's 2022 TSG, including the requirement to prepare a VMT analysis or, in this case, an infill analysis. The VMT information in the 2018 FEIR was litigated and resolved by the Court of Appeal. Moreover, the information in not significant new information that must be considered for the 2018 EIR. (Refer to Response to Comment ReO1-5 and Global Response: Res Judicata and New Information for a full explanation.) As noted above, the Court of Appeal has since ruled that the Infill and small project exceptions were not compliant with CEQA. But to be clear, the Project is not relying on an exemption from the TSG based on the Infill Analysis and the Project's election to prepare an Infill Analysis does not change the fact that the Project is not required to prepare a VMT analysis. In any event, because the applicability of the TSG is immaterial to the findings of the RFEIR, no further response is required. Regarding the assertion that the Project site is designated rural residential, please refer to Response to Comment ReO1-12. **Response to Comment ReO1-17** Refer to Response to Comment ReO1-5 and Global Response: Res Judicata and New Information. Refer to Response to Comment ReO1-13 for further discussion of why the Appendix D maps are irrelevant to the current evaluation of the Project site as an infill area. Although no longer relevant, the County disagrees that it was an error to include the Project within the HGV Specific Plan for purposes of an infill analysis. The comment also conflates consistency with General Plan polices with the infill map that was used for purposes of VMT analyses. Unrelated to the infill analysis exception of the TSG, when the Board originally approved entitlements for the Project and certified its FEIR on July 25, 2018, the County determined that the Proposed Project will expand, complement, and support the now fully-occupied HGV, located directly north and west, by diversifying the mix of housing opportunities and providing limited commercial/civic uses that are compatible with the existing and planned elements of the HGV Community Development Model, and Policy LU 1.4 (expansion of an existing

COMMENTS	RESPONSES
Comment Letter ReO1 Lorenzana October 7, 2024 Page 11  The Infill Memo selectively and improperly expanded its study area. Under the Infill Memo's approach, the surrounding area of any identified "Infill Area" would be swallowed up as "infill," completely undermining the designation of specific areas for infill in the first place. The Project site clearly does not qualify for the infill screening criteria—the Infill Memo cannot manipulate the baseline study area to avoid this reality. As explained above, the County's consultants have already applied the "Infill Criteria" to the County in Appendix D of the TSG, and identified that the project site does not qualify for infill screening. Finally, as the County underscored in the TSG appellate litigation, "even as to transportation, the thresholds cannot be rotely applied to avoid finding a potentially significant impact in the fact of substantial evidence to the contrary. *John R. Lawson Rock & Oil, Inc. v. State Air Res. Bd.*, 20 Cal. App. 5th 77, 108 (2018)." As detailed in Section II(B), there is substantial evidence that the Project will result in significant transportation impacts due to the substantial amount of VMT it would produce. The Project must adequately analyze and mitigate impacts to VMT, especially given the State's new mandates and policies to reduce VMT and car-centric development. ReO1-17 cont. ReO1-18	village), which the Appellate Decision did not overturn. The Trial Court stated: *The Harmony Grove Project is designed to conform to the existing topography, centers development close to Harmony Grove Village to place a greenbelt next to the Del Dios Preserve, will be accommodatedby the General Plan's Road network, and will not result in the reduction of services to other residents. It seeks to preserve the community character by, among other things, by [sic] replicating the existing rural, farmhouse style homes and is contiguous with Harmony Grove Village* (Superior Court of California, County of San Diego, Judge Bacal, filed July 21, 2020, Trial Court decision, pages 6-7). **Response to Comment ReO1-18** Please refer to Responses to Comments ReO1-5, above, regarding VMT having been previously raised, litigated, and resolved with the Appellate Court conclusion, as well as ReO1-23, below, and Global Response: Res Judicata and New Information. Res judicata bars resolved matters from being raised again. (The issue of transportation impacts was not raised in the lawsuit the commenter brought against this Project and the 2018 EIR.) The courts have now resolved all matters related to the 2018 EIR, and res judicata applies in such instances as it bars the litigation of issues that were actually litigated or could have been litigated. (Open Government v. City of Lodi [2012] 205 Cal.App.4th 296, 324-325; see also Planning & Conservation League v. Castaic Lake Water Agency [2009] 180 Cal.App.4th 210, 229.) Res judicata is based on the principle that once a court reaches a final decision on a claim, the matter is considered settled and further attempts to litigate the same claim should be prohibited. Allowing such claims to be relitigated would impose significant burdens on parties and the courts, could lead to inconsistent rulings or judgments that create confusion and inefficiency, and would be unfair to the party that has already obtained a final ruling in its favor. Res judicata maintains the integrity and predictability of the legal system and encourages parties to bring all their claims and arguments in a single proceeding, knowing that they will not have another opportunity to litigate the same issues. Please refer to Global Response: Res Judicata and New Information.

COMMENTS	RESPONSES

Comment Letter ReO1

III. Impacts to GHG Emissions Must Be Adequately Addressed

Sierra Club applauds the removal of the unlawful carbon offset mechanism that the Project previously relied on in the 2018 Environmental Impact Report ("EIR"). However, the EIR's revised methodology and mitigation still raises concern about the sufficiency of its analysis of GHG impacts. There are various flaws with the calculations and methodologies employed in the latest revisions to the EIR's GHG section. ReO1-19

A. Unexplained Reductions in GHG Emissions Projections

The County notes that the EIR has been revised to include "updated modeling," a "revised mitigation measure," as well as a "discussion of infill screening analysis." (Reader's Guide to Additional Information for Harmony Grove Village South ("Reader's Guide"), p. 3.) There have been unexplained changes to the GHG emission projections in the EIR.

For example, calculations for the assumed mobile source emissions for the Project have been inexplicably reduced. The 2018 FEIR assumed mobile source emissions from the Project in the amount of 4,072 MT CO_2e. (2018 FEIR, p. 2.7-28.) The 2024 analysis now assumes only 2,846.07 MT CO_2e. (2024 GHG Analysis, p. 49.) The trip length assumption has not been changed between 2018 and 2024, as discussed in further detail below. (2018 GHG Analysis, App'x C.) Concerningly, the projected annual VMT has also been significantly reduced. ReO1-20

The EIR should explain what accounted for this reduction and whether there were off-model adjustments made.

The 2018 GHG Analysis presumed 11,455,912 annual VMT, whereas the 2024 GHG Analysis presumes 10,212,371 annual VMT. (2018 GHG Analysis, Attachment C, p. 34; 2024 GHG Analysis, Attachment A, p. 53.) Trip summary information provided reveals that the 2024 analysis assumes 1,277,947 *fewer* annual VMT from condos and townhomes and only 34,406 *more* annual VMT from single family homes. (*Ibid.*) There is no explanation for the change in these figures, despite the enormity of the reduction of estimated annual VMT from condos and townhomes.

The 2024 GHG Analysis points to a change in the version of CalEEMod that was used to explain the reduction in projected emissions, as Version 2013.2.2 was used in 2018 and Version 2020.4.0 was used in 2024. (2024 GHG Analysis, p. v.) However, this change would alter the emissions factors, not the VMT calculations underlying the projected emissions, meaning there is no explanation for the reduction in VMT itself.

The California Air Resources Control Officers Association ("CAPCOA") does allow for GHG emissions reductions of up to 11.9% to be calculated where a Project proponent installs electric ReO1-21

Response to Comment ReO1-19

Comments reflect support of the strategy for GHG emissions mitigation proposed in mitigation measure M-GHG-1 and also states that commenter has specific concerns raised related to the GHG emissions analysis and mitigation measure. Those concerns are addressed in Responses to Comments ReO1-20 through ReO1-26.

Response to Comment ReO1-20

The comment starts by summarizing contents of the 2024 Subchapter 2.7 discussion and attachments as noted in the Readers Guide. The noted elements of a revised mitigation measure and infill analysis are not additionally discussed and no response is required, although the reader is referred to Responses to Comments ReO1-7 and -8 regarding infill. The comment is focused on 2024 analysis changes in mobile source emissions from those identified in 2018. It is incorrect in its statement that emissions for mobile sources have been "inexplicably reduced" and that there is no explanation for why VMT has been reduced. VMT calculated in CalEEMod and presented in the RFEIR is based on lower trip generation estimates provided by the Traffic Engineer as Attachment H to Appendix D of the 2018 FEIR. Attachment H documents a reduction in trips from 4,500 (a conservative estimate at the time based on an assumption that 450 single family residences could be constructed), to a more accurate 4,010 trips based on the current Project description proposing 193 single-family residences and 260 multi-family residences. This reduction in trips to accurately capture the Project description explains why the annual VMT used in the calculation of GHG emissions was reduced in the RFEIR. The reduction in miles traveled is logically related to reductions in emissions associated with those fewer miles. Attachment H was cited and the change in numbers detailed on recirculated Subchapter 2.7 page 2.7-31.

Response to Comment ReO1-21

As described in the comment, CAPCOA has a strategy where 11.9 percent reductions in GHG emissions can be taken for the provision of excess EV chargers, which is a simplified approach and focused on multi-family and commercial developments for common chargers only. The RFEIR uses an

COMMENTS	RESPONSES
Comment Letter ReO1 Lorenzana October 7, 2024 Page 13 vehicle ("EV") chargers above the required amount. (See **Exhibit D**.) The Project would provide for the installation of an EV charger in each residential unit. (2024 Updated FEIR, p. 2.7-21.) **Exhibit D** contains the formula to be used to calculate the emissions reductions associated with this mitigation measure. CAPCOA only authorizes emissions reductions of up to 11.9% using this formula, though the overall mobile source emissions projected in association with the Project have been reduced by more than 30%. The FEIR must explain the discrepancy, and must conform its estimated reductions to the formula provided by CAPCOA if the basis for these reductions comes primarily from the installation of EV chargers. ReO1-21 cont. These inconsistencies are particularly concerning given the EIR's following claim: > Substantive modifications to the earlier study are therefore extremely focused. Topical elements of the prior study that were previously approved by the BOS and determined by the Court to be adequate for CEQA include . . . Traffic generation information (average daily trips, vehicle miles traveled, and associated roadway effects). ReO1-22 (2024 GHG Analysis, p. v–vi.) The Project's proponent cannot assert that the traffic generation information is adequate and "previously approved" and therefore the public is precluded from commenting on the analysis if it has entirely changed the underlying information, such as annual VMT from the Project. **B. VMT Trip Length Calculations** Both the 2018 and 2024 GHG Analyses rely on the trip length analysis conducted for the Project in 2016, which provides that the average Project trip length would be 7.88 miles. SANDAG's standard trip length at the time was 7.9 miles. As discussed earlier, SANDAG has since made available VMT-modeling maps that reveal the inaccessibility of the Project location and thus the increased levels of VMT for its residents. This is of particular concern given the state-wide focus on significantly reducing per capita VMT. ReO1-23 The California Air Resources Board's ("CARB") 2022 Scoping Plan has established the State's following strategy to meet its GHG reduction targets: "Achieve a per capita VMT reduction of at least 25 percent below 2019 levels by 2030 and 30 percent below 2019 levels by 2045." (CARB 2022 Scoping Plan, p. 194.)	alternative methodology based on the Project-specific design features and incorporates a use scenario that is conservative using a miles driven per EV approach. This approach is described in further detail on pages 38 to 42 of the *Global Climate Change* Report circulated with the RFEIR. Specifically, reductions were calculated by categorizing chargers as either common area (guest) or residential (garage) chargers. The GHG avoidance per mile was derived from CalEEMod modeling, using an emissions factor of 0.000279 MT CO_2e per mile driven. It was assumed that EV miles driven would offset these emissions and include GHG emissions which may be generated from off-site utility intensity from charging. As documented in recirculated Subchapter 2.7 Table 2.7-5, Project design features (PDFs) requiring 8 EV chargers at the Center House and 453 chargers in Project garages would avoid 295.66 CO_2e (MT/Yr). Compared to the Project's overall 2,846 MT CO_2e related to vehicle emissions, the total net reduction in GHG emissions resulting from EV charger PDFs would be 10.4 percent. This is a Project-specific analysis that is consistent with (less than) the CAPCOA maximum allowable reduction percentage of 11.9 and also substantially less than the incorrect comment statement that a 30 percent reduction was taken. The RFEIR and associated technical report adequately explain the basis for this analysis and no revisions to the technical modeling are required. **Response to Comment ReO1-22** The Project has not "entirely changed underlying information." Changes to the VMT inputs' underlying calculations of the Project's GHG emissions have not been changed from traffic-related information that was included in the 2018 FEIR and found by the courts to be adequate. Refer to Response to Comment ReO1-20 regarding conservative emissions modeling included in the 2018 FEIR based on assumptions that all residences would be single-family residences rather than the actually proposed mix of single-family and multi-family residences (with fewer trips per day) that would generate a combined total of 4,010 ADT. As they relate to GHG emissions modeling, these changes are explicitly described in Subchapter 2.7 of the RFEIR, which was provided for public review in 2024, and are consistent with the information included in

COMMENTS	RESPONSES
Comment Letter ReO1 Lorenzana October 7, 2024 Page 14 Yet, in 2035, the City/Community Planning Area of San Dieguito's (which the Project is located in) percent of regional mean VMT is projected to be 138.8%.[6] (Exhibit A.) Further, SANDAG projects that in 2035, the traffic analysis zones immediately surrounding the Project will account for between 108% and 116% of regional mean VMT, with other nearby zones projected to account for **up to 154.2%** of the regional mean. (Exhibit A.)[7] None of these projections come close to achieving the goals set forth in CARB's scoping plan or other applicable regulations. In fact, the Project will conflict with the State's VMT reduction goals. This is significant new information that was not addressed under the prior 2018 EIR and litigation, which must be analyzed in a proper VMT analysis. ReO1-23 cont. The relative remoteness of the Project site will result in higher than average trip lengths for residents, which is not reflected in the calculations used in the 2018 and 2024 FEIR. The 2024 FEIR relies on an outdated trip length analysis, which calculated a lower trip length than SANDAG's suggested average, despite clear evidence that the Project site is *not* located in a VMT efficient area. As stated above, depending on the geographical boundary analyzed, the Project could be expected to account for up to 138.8% of regional mean VMT. The FEIR must be based on an updated, realistic trip length analysis that is consistent with the latest SANDAG modeling. a. Solar Panel Installation as Off-Site Mitigation Sierra Club appreciates that the installation of solar panels off-site is a significant step in the right direction compared to the Project's original plan to rely on out-of-county, market-based carbon offsets. The EIR proposes a new mitigation measure, M-GHG-1, that must be fully implemented prior to the issuance of the first grading permit. This too is a positive feature of the new mitigation measure. ReO1-24 However, the installation of off-site solar panels is intended to offset 1,037.72 MT CO_2e in Project emissions projected after all feasible PDFs are included. (2024 Updated FEIR, p. 2.7-34.) This results in a demand for an additional 1,720 kW of solar energy, which will require approximately 142,760 square feet of roof area. (*Id.*) This would be over three acres of roof space. The updated FEIR acknowledges that this may require more than one building to serve as a site for the solar panels; however, the FEIR falls short of selecting these buildings now. ReO1-25 It is feasible to identify and select these buildings now, and the FEIR should do so. This would allow interested parties to review the selected sites to ensure that the buildings are not already required to install these panels, and therefore ensure that the solar panels are "additional," which [6] SANDAG, San Diego Region SB 743 VMT Maps, https://sandag.maps.arcgis.com/apps/webappviewer/index.html?id=bb8f938b625c40cea14c825835519a2b. [7] *Id.*	the 2018 FEIR and reviewed by the courts. Please refer to Global Response: Res Judicata and New Information. **Response to Comment ReO1-23** The 7.88 miles per trip utilized in the RFEIR analysis is properly noted by the comment. The Project's vehicle emissions were analyzed using 7.88 miles per trip as was calculated by the Project Traffic Engineer (refer to Appendix C to 2018 FEIR Appendix J) and was accepted by the courts during review of the 2018 EIR and technical studies. The intent of this recirculated analysis was to match the methodology of the 2018 analysis for consistency and update the specific deficiencies identified within the GHG mitigation measure; refer to Global Response: Res Judicata and New Information. Although an Infill Analysis was circulated with the RFEIR, it was not relied upon as the basis to exempt the Project from the TSG. The Infill Analysis and the Project's election to prepare an Infill Analysis does not change the fact that the Project is not required to prepare a VMT analysis. As a point of clarification, please refer to Responses to Comments ReO1-8 and -13 regarding SANDAG source maps. No additional VMT analysis is required and no revision to the EIR is needed. Again, please refer to Global Response: Res Judicata and New Information. **Response to Comment ReO1-24** Comments reflect support of the strategy for GHG emissions mitigation proposed in mitigation measure M-GHG-1. No response is required. **Response to Comment ReO1-25** Proposed mitigation measure M-GHG-1 provides sufficient performance criteria and specificity for future identification of specific buildings for solar panel installation. The mitigation measure specifically requires the Applicant to fund and provide a report to the County before grading permits are issued providing "evidence that the building(s) is/are not required by law or regulation through statute, regulation, existing local program, or requirement to install such solar panels (i.e., additional)." This ensures that the solar panels would be additional to existing panels required by regulations, and the specific location of ongoing negotiations does not need to be disclosed in a public document.

COMMENTS	RESPONSES

is a legal requirement of offsets that is referenced in M-GHG-1. The FEIR can—and should—identify the buildings now, especially considering the scale of the roof area required. ReO1-25 cont.

IV. Impacts to Biological Resources Must Be Adequately Addressed

The Updated FEIR must address changed circumstances that have arisen since 2018. This includes impacts to threatened and endangered species, particularly those that were only recently listed.

A. Hermes Copper Butterfly ReO1-26

The Hermes Copper Butterfly (*lycaena hermes*) was federally listed as threatened on January 20, 2022.[8] At the time the Biological Technical Report was completed for this Project, the species was not listed at the federal or state level, but considered a "County Group 1 sensitive species." (Biological Technical Report, p. 21.) Accordingly, surveys were done to determine whether any Hermes Copper Butterflies inhabited the site.

At the time of the surveys, biologists discovered spiny redberry bushes, the Hermes Copper's larval host plant, and California buckwheat, the butterfly's "favored nectar plant." (*Id.*) However, the species itself was not found onsite during the protocol survey. The biological technical report concluded as follows: ReO1-27

> [P]rotocol Hermes copper butterfly *(Lycaena hermes)* surveys conducted in 2014 and 2017 were **negative,** indicating the site is not occupied by the Hermes copper. . . Although not occupied, the site does support a limited amount of potential Hermes copper habitat as defined by the County guidelines; however, the potential for the species to colonize the site in the future is considered low. The nearest known Hermes copper butterfly location is 1.75 miles away to the southwest. Because the site is more than one mile from a known Hermes copper location, the negative survey results are **valid for a period of three years** in accordance with County guidelines.

(Biological Technical Report, p. 21 [emphasis added].)

As evidenced by the biologist's report, the Project site contains the species of flora required to support a population of Hermes Copper Butterflies. The species has been spotted within 2 miles of the Project site and could feasibly have come to inhabit the Project site in the seven to ten years since the surveys were originally conducted. Moreover, the species' known range expands over the entirety of the Project site:

[8] CAL. DEPT. FISH & WILDLIFE, STATE AND FEDERALLY LISTED ENDANGERED AND THREATENED ANIMALS OF CALIFORNIA at 3 (July 2024), available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109405&inline.

Response to Comment ReO1-26

Biological issues were not the subject of the 2024 recirculation, as the 2018 FEIR was found fully adequate in analysis and conclusions for habitats, sensitive species, etc. The biological resources impact analysis in the 2018 FEIR was accepted by the Court of Appeal; refer to Global Response: Res Judicata and New Information. Nonetheless, the County is responsive to items raised here and in Comments ReO1-27 through -30, below. While the listing status of Hermes copper butterfly has changed, potential impacts to this species and its habitat were considered within the 2018 FEIR. No change in the potential for impacts to the species occurs based on the change in listing status. (See Fort Mojave Indian Tribe v. Department of Health Servs. [1995] 38 CA4th 1574, 1605 [a new regulation designating critical habitat for an endangered species was not significant new information requiring further CEQA review because the issue of impacts to the species had been addressed in the original EIR].)

Response to Comment ReO1-27

Comments largely summarize Project information about the on-site habitat, prior survey findings, and known range for Hermes copper butterfly. To that extent, they do not pertain to adequacy of the environmental analysis presented in the EIR and do not require response. The comment also theorizes that butterfly presence may have changed and that new surveys are now required as a result of federal listing as threatened.

The conclusions of the Biological Resources Report (BTR) and 2018 FEIR were that the Hermes copper butterfly was absent from the Project site during protocol-level surveys completed in 2014 and 2017, and that the Project would have no impact on the species. Furthermore, the species was determined to have a "Very Low" potential to occur given the Project site's location relative to known occurrences and the presence of limited host plant and nectar plant associations at the Project site. This determination was further substantiated by over 30 biological surveys at the Project site between March 2014 and June 2017. Therefore, given the negative survey findings and very low potential for the species to occur, the Project is still not expected to have impacts on the species. Nevertheless, the Project's mitigation measures include requirements

COMMENTS	RESPONSES
Comment Letter ReO1 Lorenzana October 7, 2024 Page 16 (*Lycaena hermes* range shown in dark green over Project site.)[9] Furthermore, the biological technical report itself stated that a negative finding is only valid for three years, meaning the Project site must be resurveyed to ensure that the species has not taken root there, particularly now that the species is federally listed as threatened. ReO1-27 cont. The formal federal designation of the Hermes Copper Butterfly as threatened is a changed circumstance and necessitates additional species surveys, as does the expiration of the period of validity for the negative finding on the Project site in 2017. ReO1-28 **B. Western Spadefoot Toad** The Western Spadefoot Toad (*spea hammondii*) was federally proposed to be listed as threatened on December 5, 2023.[10] A protocol survey was not completed for the western spadefoot toad at the time the biological technical report was released. However, the Project site serves as a potential habitat for the species. ReO1-29 [9] U.S. FISH & WILDLIFE, *Hermes Copper Butterfly Interactive Map* (last visited Sept. 27, 2024), https://www.fws.gov/species/hermes-copper-lycaena-hermes/map. [10] CAL. DEPT. FISH & WILDLIFE, STATE AND FEDERALLY LISTED ENDANGERED AND THREATENED ANIMALS OF CALIFORNIA at 3 (July 2024), available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109405&inline.	for further permitting, mitigation for loss of habitat, pre-construction surveys, and monitoring of the habitat on the Project site that was found to be suitable for but unoccupied by the Hermes copper butterfly. Pursuant to mitigation measure M-BI-1b, the Project is required to obtain a Habitat Loss Permit (HLP)from the County in coordination with the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) for impacts to habitat on the Project site that was found to be suitable for but unoccupied by the species. Mitigation measures M-BI-1b, M-BI-5b, M-BI-5c, and M-BI-5d require habitat-based compensatory mitigation for impacts to those habitat types found to be suitable for but unoccupied by the Hermes copper butterfly. Last, mitigation measures M-BI-1a and M-BI-1b require pre-construction surveys and monitoring within the on-site habitat that was found to be suitable for but unoccupied by the species. The simple fact that status has changed (from federal candidate for endangered or threatened species to federally identified as threatened) does not change the types of surveys or habitat mitigation required. **Response to Comment ReO1-28** Refer to Responses to Comments ReO1-26 and -27. **Response to Comment ReO1-29** The comment incorrectly states that the 2018 FEIR did not consider the potential for impacts to western spadefoot toad. The potential for western spadefoot toad to occur within the Project site was considered in the BTR and found to be low; no protocol surveys are needed. As described in the listing of "Special Status Species with Potential to Occur" (Appendix D of the BTR), western spadefoot toad occurs in open coastal sage scrub, chaparral, and grassland, along sandy or gravelly washes, floodplains, alluvial fans, or playas; requires temporary pools for breeding and friable soils for burrowing; and is generally excluded from areas with bullfrogs (*Rana catesbiana*) or crayfish (*Procambarus* sp.). Potential for the species to occur on the site was identified as low, as there are no temporary pools for breeding present and the reach of Escondido Creek that occurs on and in the vicinity of the Project site supports year-round perennial flows with both bullfrogs and crayfish, making it unsuitable for breeding western spadefoot toads. Given the low potential for

The western spadefoot is "typically found in grasslands or other open vegetation, and require[s] sandy or gravelly soils where they can burrow."[11] For breeding, they rely on "ephemeral ponds, vernal pools, slow streams, reservoirs, irrigation ditches, and road ruts."[12] The Project site is less than a mile from the Olivenhain Dam & Reservoir, which is well suited to serve as a breeding ground for the species. The Project site itself would provide suitable open vegetation for the species' burrows, is close to this potential breeding site, and is well within the species' range. The species inhabits vast swaths of California, including much of San Diego:

(*Spea hammondii* range shown in dark green.
Project site is located slightly southwest of Escondido.)[13]

ReO1-29 cont.

[11] U.S. GEOLOGICAL SURVEY, HABITAT ASSESSMENT AND BASELINE SURVEYS FOR THE WESTERN SPADEFOOT AND WESTERN POND TURTLE ON THE IRVINE RANCH LAND RESERVE at 3 (Oct. 2004), https://sdnhmp.com/upload/SDMMP_Repository/0/p7zfjg0vqt3y4k25d9rm8csxw6bnh1.pdf.
[12] *Id.*
[13] U.S. FISH & WILDLIFE, *Western Spadefoot Toad Interactive Map* (last visited Sept. 27, 2024), https://www.fws.gov/species/western-spadefoot-spea-hammondii/map.

western spadefoot toad to occur within the Project site and the lack of suitable breeding habitat, no impact to western spadefoot toad would occur and no new surveys are necessary. Please also see Global Response: Res Judicata and New Information.

COMMENTS	RESPONSES
Comment Letter ReO1 Lorenzana October 7, 2024 Page 18 Moreover, the species has been documented in the area as recently as 2016: (*Spea hammondii* occurrences shown as green dots, both observed in July 2016.)[14] These known occurrences of the western spadefoot are less than a mile away from the Project site, with one observation taking place a mere half mile from the site. These observations reveal the likelihood that the western spadefoot—which has recently been proposed for federal listing—inhabits the Project site, which provides access to all of the terrains that the species needs for survival. Impacts to the western spadefoot toad were not considered under the 2018 EIR. The proposed listing serves as a changed circumstance and the species has been documented in the area, so biological surveys must be completed for the species on the Project site. **V. Impacts to Wildfire Safety Must Be Adequately Addressed** In response to the increase in severity and frequency of fires in California, the Attorney General's Office released new guidance on siting and design of development very high fire severity zones in 2023, titled "Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act".[15] ReO1-29 cont. ReO1-30 [14] SAN DIEGO MANAGEMENT & MONITORING PROGRAM, *Western Spadefoot* (last visited Sept. 27, 2024), https://sdmmp.com/view_species.php?taxaid=206990#:~:text=Habitat%20Affinities&text=They%20prefer%20open%20areas%20with,months%20%5B6%2C1%5D. [15] https://oag.ca.gov/system/files/attachments/press-docs/2022.10.10%20-%20Wildfire%20Guidance.pdf	**Response to Comment ReO1-30** The wildfire impact analysis in the 2018 FEIR was accepted by the Court of Appeal; please refer to Global Response: Res Judicata and New Information. Nonetheless, please also refer to Global Response: 2024 Fire / Evacuation, which addresses the Attorney General Guidance (AG Guidance, or Guidelines) and how the Project is consistent with the best practices outlined therein. While the AG Guidelines suggest that development in fire prone areas increases the likelihood of more destructive fires, etc., the Guidelines do not contemplate master planned communities, such as the Project, that are designed specifically through code and other requirements to represent acceptable risk by mitigating the wildfire hazards. The type of development that results in the types of issues referenced in the comment are from wildland urban intermix and other low-density developments that do not include the same benefits as a master planned community in terms of ongoing maintenance, focused exposure edges, defensible space for firefighters, and assured fire flows, amongst others. Further discussion of this specific topic is provided in the "Clarified Fire Starts/Ignitions" portion of Global Response: 2024 Fire / Evacuation. The County has carefully considered wildfire impacts as part of the environmental review process. For details regarding the extensive analysis that the County and jurisdictions within the County require projects to provide in order to make an informed decision with regard to wildfire impacts and safety, please refer to the *Fire Protection Plan Harmony Grove Village South* (FPP), *Wildland Fire Evacuation Plan for the Harmony Grove Village South Community* (Project Evacuation Plan), and Rohde & Associates *Harmony Grove Village South Wildfire Risk Analysis* (Wildfire Risk Analysis), as well as the San Diego County Guidelines for Significance - Fire Protection (2010 and 2022). Fire environments are evaluated, hazards are identified, and PDFs and/or mitigation measures are carefully developed to address the hazards and reduce the potential risk depending on project-specific and location-specific factors. The County and Rancho Santa Fe Fire Protection District (RSFFPD) are among the leaders in California and the country for their restrictive building requirements in fire-prone areas.

COMMENTS	RESPONSES
	Per the HGV South FPP, the Project would convert wildland fuels (primarily on-site grasslands) to ignition-resistant, irrigated, and managed landscapes and fuel modification zones (FMZs). But as the AG Guidance suggests, this alone does not mitigate the risk of a new development in a fire hazard severity zone. The Project (as detailed in the HGV South FPP), like all new projects in the County in fire-prone areas, is required to provide a comprehensive and layered fire protection system that includes fire prevention measures (resident education, outreach), fire protection (ignition-resistant construction, FMZs, ignition-resistant landscapes), and fire suppression (fire sprinklers, close fire station, water and fire flow, and fire apparatus access). As stated in the 2018 FEIR on page 8-40 (emphasis added): *This same robust fire protection system provides protections from on-site fire spreading to off-site vegetation. Accidental fires within the landscape or structures in the Project will have limited ability to spread off site. The landscape throughout the Project and on its perimeter will be maintained and much of it irrigated, which further reduces its ignition potential. Structures will be ignition-resistant on the exterior and the interiors will be protected with automatic sprinkler systems, which have a very high success rate for confining fires or extinguishing them...* *...Research indicates that new, master planned communities subject to ignition-resistant building standards and a system of fire protection that includes fire apparatus access, improved water for fire flow, and managed and maintained site-wide fuel modification, perform very well in wildfire situations (Insurance Institute for Business and Home Safety 2008). There are numerous examples of master planned communities built to ignition-resistant standards and include HOA-managed FMZs that have been tested by wildfire and functioned as they were intended.* *This same fire protection system has been found by fire reports, independent researchers, as well as USGS researchers (2015), to perform well against wildfires. San Diego County after-fire*

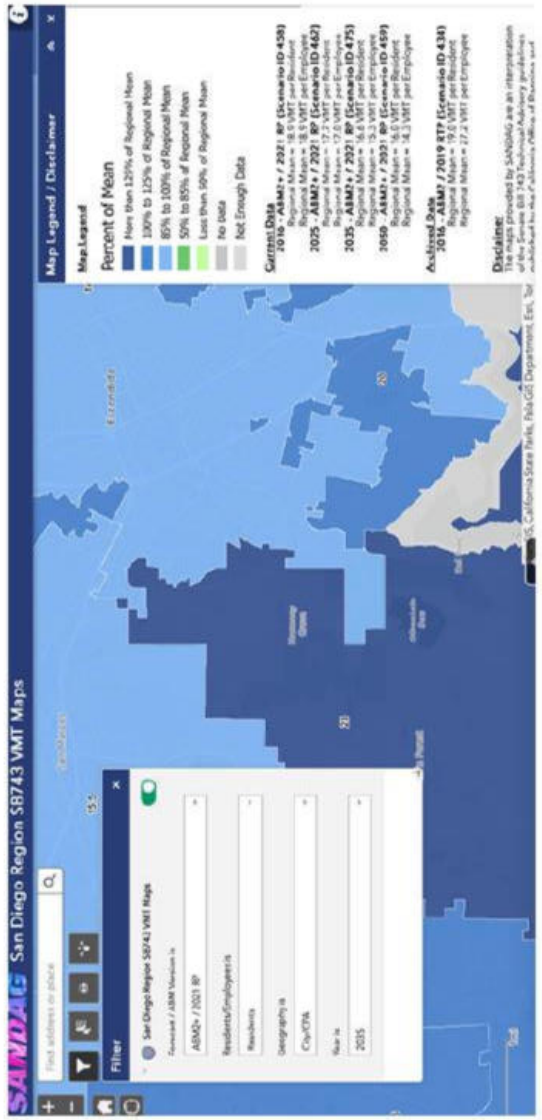
COMMENTS	RESPONSES
	assessments indicate strongly that the ignition-resistive standards of the fire and building codes are working in reducing structural loss during a wildfire: Of the approximately 15,000 homes within the 2003 wildfires perimeter, 14 percent (2,137) were destroyed. However, of the 400 homes built to the 2001 County fire and building codes (the most recent at the time), only 4 percent (17) were destroyed. Further, of the 8,300 homes that were within the 2007 wildfires perimeter, 13 percent were destroyed. In comparison, there were 1,218 homes in the fire-damaged area that were built under the 2004 County fire and building codes. Of these more recently built (or more fire-resistive) homes, only 24 were destroyed – a "loss" rate of only 2 percent. It has been reasoned by fire officials conducting after-fire assessments that damage to the structures built to the latest codes is likely to have resulted from unmaintained flammable landscape plantings or objects next to structures or open windows or doors (Hunter 2008). *Newer communities, especially those within jurisdictions that have adopted the latest State Fire and Building Codes (like San Diego County), and that have a well-defined and maintained fuel modification zone requirement, perform well against wildfires. Examples include 4S Ranch in San Diego County, Stevenson's Ranch in Santa Clarita, Serrano Heights and many others in Orange County. Conversely, when structures are lost, it is typically in older communities that were built before strict ignition-resistant construction was required and where suitable fuel modification is not present.* ***The results are clear after numerous post-wildfire after action assessments** (San Diego County 2003 and 2007 fire storms; Institute for Business and Home Safety 2008; SDCFA personal communication with Dudek 2007, 2010; Orange County Fire Authority 2008) **which indicate that losses are primarily from older communities and losses in newer communities are typically limited to damage, not loss of the structure.***

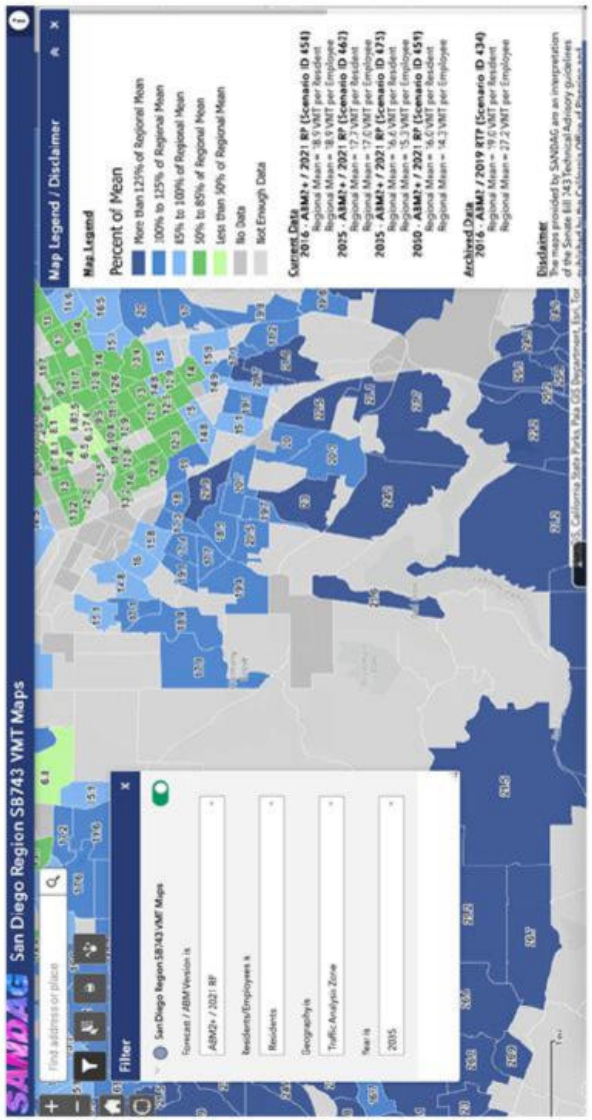
COMMENTS	RESPONSES
Comment Letter ReO1 Lorenzana October 7, 2024 Page 19 The Attorney General's Office explains, "Development in fire-prone areas increases the likelihood that more destructive fires will ignite, fire-fighting resources will be taxed, more habitat and people will be put in harm's way 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." In particular, the Attorney General explains that "siting residential structures in rugged terrain or on the top of steep hills may increase the wildfire risk…. 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." Yet, the Project is being proposed along rugged, mountainous terrain, and would convert wildland vegetations. San Diego Topography Map of Site ReO1-30 cont. ReO1-31	**Response to Comment ReO1-31** The comment inaccurately portrays and provides conflicting information about the Project site's terrain. Per the Project's site plan represented in the HGV South FPP, the Project development is proposed for a generally gently sloping site that does not occur on the ridges of the nearest large hills, and is not particularly "rugged." The view of the Project site from Del Dios Preserve provided in the comment contradicts the portion of the comment regarding the Project site being located in rugged, mountainous terrain. The view looks northerly over existing development in more rugged terrain located between the viewer and the Project. The northern-most portion of the Project site is shown close to the right-hand edge of the photograph (a small quadrant southeast of the HGR and Country Club Drive (CCD) intersection, immediately to the right of the HGV development), as well as a portion of the site east of the development line shown south of the creek. In reality, the Project site is within a valley and valley edge setting with the lowest point being Escondido Creek, which flows directly north of the site at approximately the same elevation as the site's northern boundaries. Parts of the site are elevated above the valley floor, but not on the steepest slopes or ridges, and not in the area of densest and contiguous native habitat. Even in the picture provided, which (understandably) due to elevation both foreshortens the overall site footprint and obscures some portion of the site due to intervening topography, it can be seen that the development footprint of the site largely would be in the northern portion, and, in fact, north of the sharp delineation provided by dense scrub habitat in the lower third of the photo (largely, if not completely, part of the open space set aside proposed by the Project). Please refer to 2018 Figure 2.1-9 of the FEIR, which depicts the view north from Del Dios Highlands Preserve from a similar vantage point, but shows much more of the site. There is both a "before" photograph, as well as a simulation of the development, which clearly depicts where structures would be located on site and their relation to existing adjacent development (east and northerly). The drainage infrastructure in HGV is clear to see, which allows for easy comparison with the view provided in the comment letter.

COMMENTS	RESPONSES
Comment Letter ReO1 Lorenzana October 7, 2024 Page 20 View of Project site from Del Dios Preserve ReO1-31 cont. The Attorney General's Office Memorandum further recommends "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." Yet, the Project adds over 400 units to an area with constrained evacuation, without provision of a new egress. ReO1-32 At a minimum, the Project EIR must consider the Project's inconsistencies with the Attorney General Office's new guidance. ReO1-33 **VI. Conclusion** The County erroneously approved this Project six years ago in 2018. The Court of Appeal found that the County violated CEQA in its approvals, and ordered the approvals and entire EIR rescinded. ReO1-34 Several changed conditions have occurred since approving the Project. The State of California established targets to greatly reduce VMT in the coming years, and more data has been published by San Diego County's Metropolitan Planning Organization (SANDAG) about the Project site's VMT impacts. The County itself has identified the Project site as being part of Unincorporated County areas "which do not meet infill definition." ReO1-35	**Response to Comment ReO1-32** Please refer to 2018 Global Responses: Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access that address site access, the granted modification from an option providing additional access, and the modification's Fire Code consistency and findings regarding life safety. In addition, refer to Global Response: 2024 Fire / Evacuation, which provides a comparison of 2018 Code requirements with current standards. Please also refer to Global Response: Res Judicata and New Information. The 2018 FEIR hazards analysis (including fire safety and access/egress) were accepted by the Court of Appeal. **Response to Comment ReO1-33** The AG Guidelines are designed to support jurisdictions that do not have comprehensive requirements for Fire Code compliance and site-specific evaluations in an FPP. This is not true of San Diego County, which has been far ahead of the curve in terms of these requirements for almost two decades (see Response to Comment ReO1-30, above). The County's locally relevant policies and guidelines provide the best practices for evaluating and mitigating wildfire exposure and risk as applicable in the Project context. Please refer to Global Response: 2024 Fire / Evacuation, which discusses the AG's Guidelines. But most importantly, the AG Guidelines do not raise any issues that have not already been considered and analyzed in the 2018 FEIR. Refer generally to Global Response: Res Judicata and New Information, but also to Response to Comment ReO1-30. **Response to Comment ReO1-34** Comments characterize Project approvals and note subsequent litigation. They do not pertain to adequacy of the environmental analysis presented in the EIR and do not require response. **Response to Comment ReO1-35** These are summary conclusion statements. Refer to Responses to Comments ReO1-13 through -18, which address how the Project's location is well-suited for regional growth and is not in an isolated rural area. Please refer to Response to Comment ReO1-8 for description of proximity to adjacent cities and major

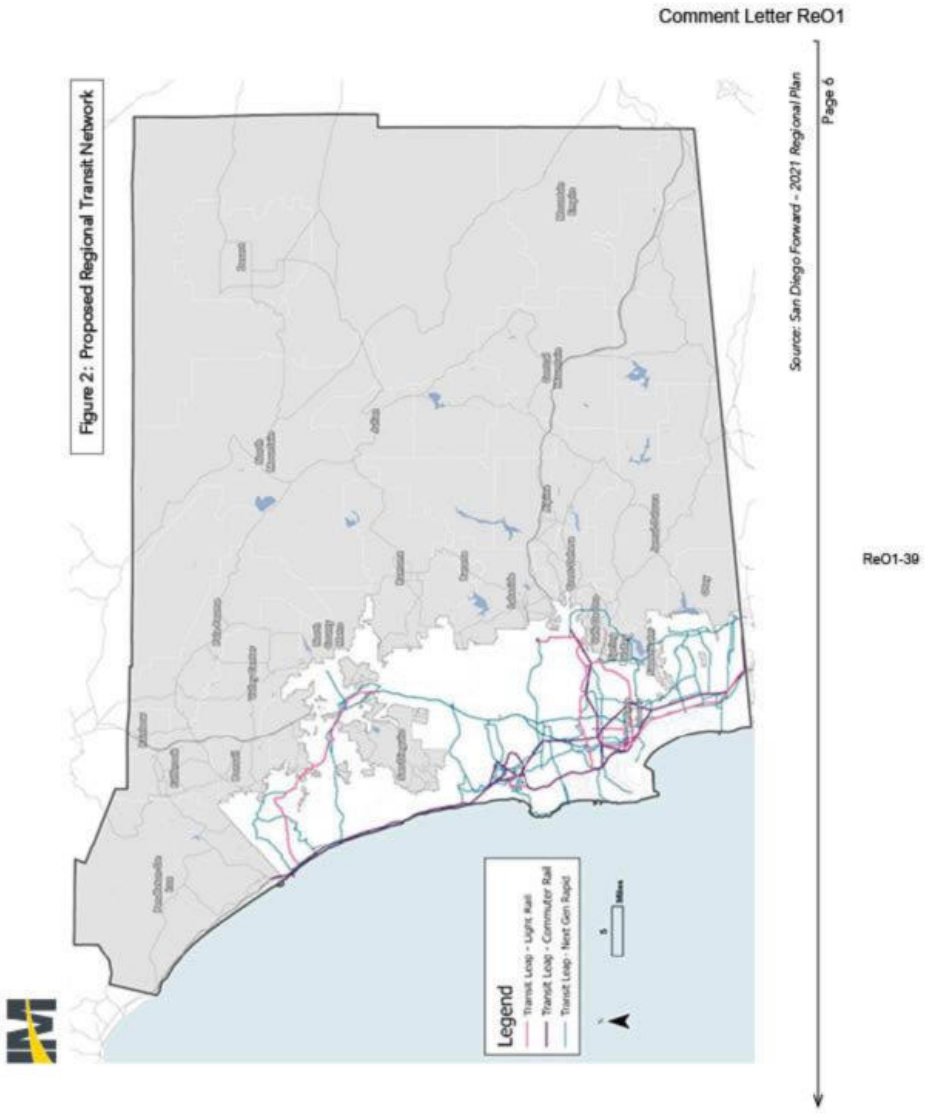
COMMENTS	RESPONSES
Comment Letter ReO1 Lorenzana October 7, 2024 Page 21 The Board of Supervisors recently voted to adopt the Fire Safe and Low VMT Alternative that was studied in the Climate Action Plan Environmental Impact Report, to be implemented through the Sustainable Land Use Framework. This Project sets the County and the State back in their goals to break free from the decades of car-centric development. Urban sprawl only leads to more traffic congestion. It forces people into cars for longer and longer periods of time, as roadways become more burdened. It eats up San Diego's beautiful biodiverse habitat, open space, and agricultural lands—the areas of San Diego that make San Diego unique. It ends up costing taxpayers more in the long-run, as public services have to be extended further beyond the urban boundary. And clearly, urban sprawl has done little to help affordability. ReO1-36 The EIR must address the above identified deficiencies and adequately disclose and mitigate the Project's impacts to vehicle miles travelled, GHG emissions, biological resources, and wildfire safety. ReO1-37 Thank you for your consideration of these comments. Sincerely, Kathryn Pettit Isabella Coye	state routes and transit hubs, as well as employment, shopping, educational and recreational opportunities. Further discussion of this topic is provided in Responses to Comments ReO1-8 and -13 relative to SANDAG maps. Please refer to Response to Comment ReO1-5, citing the Court of Appeal conclusion (Appellate Decision, page 66) regarding Project proximity to developed uses and vehicle mileage projections consistency. Please also refer to the Global Responses: Res Judicata and New Information, as well as Lack of Need for Recirculation; new information need not be recirculated where new or more severe impacts would not occur. **Response to Comment ReO1-36** The Project would not result in, nor is it an example of, sprawl. Please refer to 2018 Global Response: Regional Plan Conformity, which expressly addressed both sprawl and its relation to VMT. The County determined unrelated to the analysis of the TSG that the Project's location is: (1) well-suited for regional growth; and (2) is not in an isolated rural area and is in proximity to urban uses (refer to Response to Comment ReO1-8, above). **Response to Comment ReO1-37** No new specific issues regarding the content of the RFEIR are raised in these conclusory comments. The County finds that the 2018 FEIR and RFEIR adequately disclose and mitigate impacts to VMT, GHG emissions, biological resources, and wildfire safety. No additional response is needed.

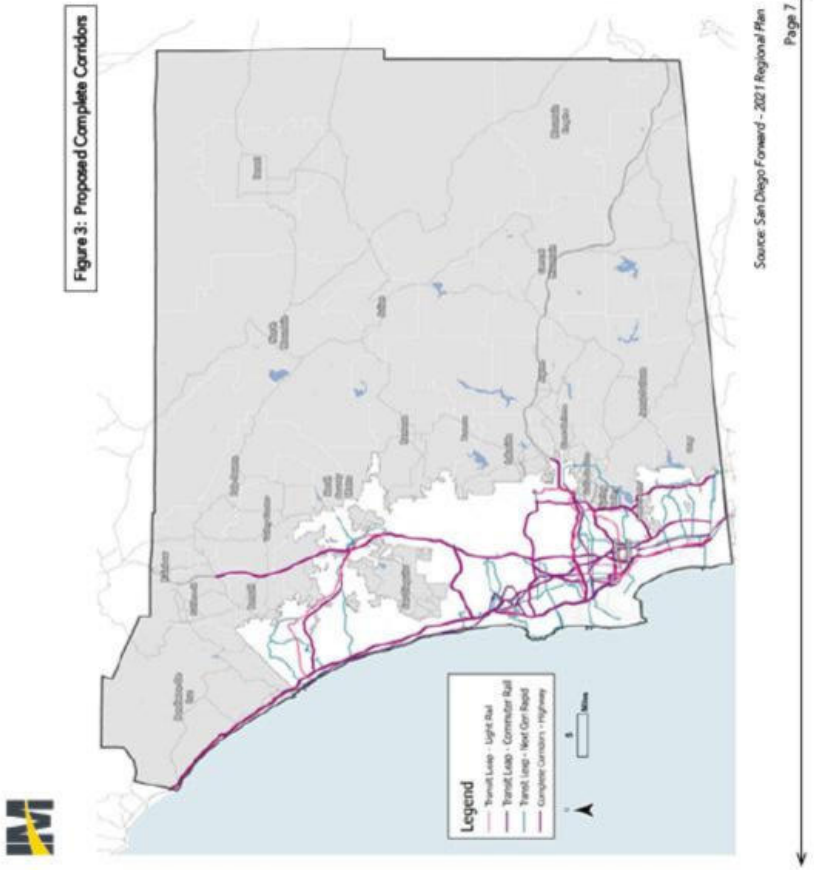
COMMENTS	RESPONSES
Comment Letter ReO1 **EXHIBIT A**	

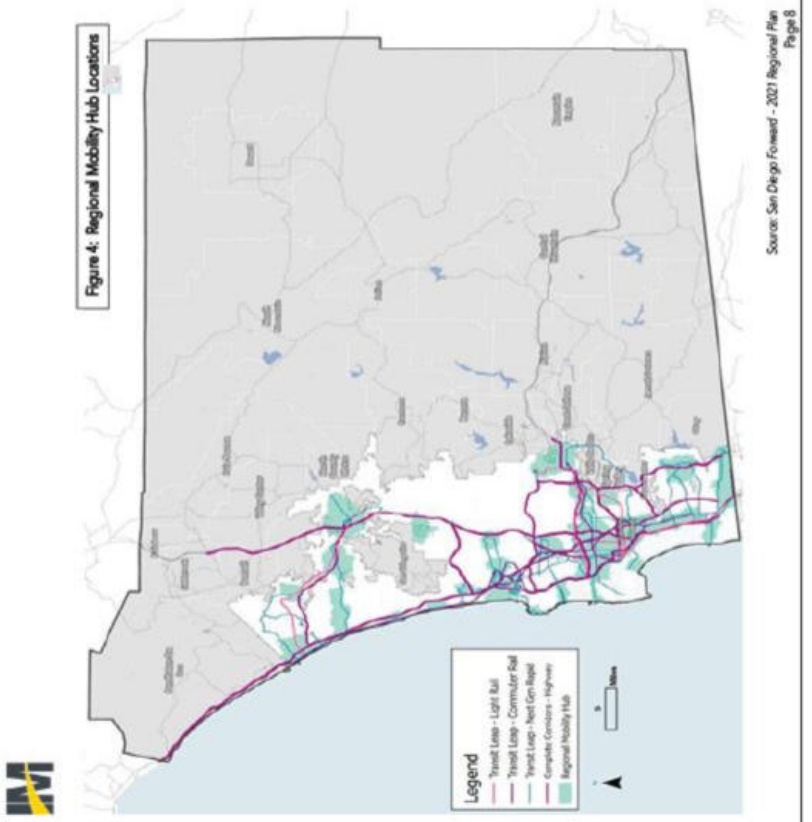
COMMENTS	RESPONSES
 Comment Letter ReO1 ReO1-38	**Response to Comment ReO1-38** The San Diego Region SB 743 VMT maps attached as Exhibit A to the comment letter are addressed in Response to Comment ReO1-8.

COMMENTS	RESPONSES
 Comment Letter ReO1 ReO1-38 cont.	

COMMENTS	RESPONSES
Comment Letter ReO1 **EXHIBIT B**	

COMMENTS	RESPONSES
	**Response to Comment ReO1-39** The transit and mobility hub maps attached as Exhibit B to the comment letter are addressed in Response to Comment ReO1-8.

COMMENTS	RESPONSES
Comment Letter ReO1  ReO1-39 cont.	

COMMENTS	RESPONSES
Comment Letter ReO1  Source: San Diego Forward - 2021 Regional Plan Page 8 ReO1-39 cont.	

COMMENTS	RESPONSES
Comment Letter ReO1 **EXHIBIT C**	

COMMENTS	RESPONSES
Comment Letter ReO1 Court of Appeal, Fourth Appellate District, Division One Brandon L. Henson, Clerk/Executive Officer Electronically RECEIVED on 7/23/2024 at 7:12:07 PM Court of Appeal, Fourth Appellate District, Division One Brandon L. Henson, Clerk/Executive Officer Electronically FILED on 7/23/2024 by Scott Buaskohi, Deputy Clerk No. D083555 IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA FOURTH APPELLATE DISTRICT, DIVISION ONE CLEVELAND NATIONAL FOREST FOUNDATION and COASTAL ENVIRONMENTAL RIGHTS FOUNDATION, *Plaintiffs-Appellants,* v. COUNTY OF SAN DIEGO *Defendant-Respondent.* ReO1-40 On Appeal from the Superior Court for the County of San Diego Honorable Joel R. Wohlfeil Case No. 37-2022-00044215-CU-WM-CTL RESPONDENT'S BRIEF Michael P. Masterson (Bar. No. 239246) Office of County Counsel, County of San Diego 1600 Pacific Highway, Room 355 San Diego, California 92101 Telephone: (619) 531-4860 Facsimile: (619) 531-6005 Counsel for Defendant-Respondent COUNTY OF SAN DIEGO	**Response to Comment ReO1-40** The excerpt from the July 2024 Court of Appeal Cleveland National Forest Foundation and Coastal Environmental Rights Foundation Respondent's Brief is referenced in Comment 15 as the source for the quotes provided in that comment. It is noted that the initial citation regarding infill area thresholds and the TSG is not in the exhibit, which pulls pages 15, 16, 34, 37, 38, and 43. Regardless, the County does not contest the information provided to the TSG Guidelines. Responses to Comments ReO1-15 and -26 address relevant discussion in the exhibit.

Comment Letter ReO1

substantial evidence to the contrary. (AR 23179–81; CEQA Guidelines 15064(b)(2), 15064.7.)

The VMT Efficient and Small Project thresholds were developed based on OPR's Technical Advisory. (AR 23179–81.) The Infill Threshold was developed based on the Infill Screening Technical Memorandum ("Infill Memo"). (AA 23223–49 [TSG Appendix D].) The Infill Memo evaluated multiple land use and transportation network variables to create a quantitative definition for "infill development" in the County, including household density, intersection density, and jobs accessibility. (AR 23225; AR 23229–31.)

The areas that meet the infill definition generally align with intuitive concepts of urban areas; these locations are close to incorporated cities and within the sphere of development for urbanized San Diego. (AR 23232.) The following is a screening map, included in the TSG at AR 23219, which shows the defined Infill Areas, along with the VMT-Efficient Areas:

ReO1-40 cont.

COMMENTS	RESPONSES
Comment Letter ReO1 ReO1-40 cont. (AR 23219.) **D. The Trial Court Denied Appellants' CEQA Challenge to the TSG** Appellants filed a petition for writ of mandate in September 2022, challenging the County's approval of the TSG. (AA 4.) After considering written and oral arguments of the parties as well as the administrative record, the trial court denied the petition for writ of mandate. (AA 118–31.) This appeal followed. 16	

COMMENTS	RESPONSES
Comment Letter ReO1 are used only as a **limitation** on the areas that would otherwise qualify as Infill. This is because the County adopted a quantitative definition of "Infill Areas" (AR 23180; AR 23225–31), but some areas meeting the Infill definition were located "further from existing and planned transit, generally east of the unincorporated boundary." (AR 293.) Thus, those areas were removed because there is no existing or planned transit service, including Alpine, Ramona, and Fallbrook. (AR 45; AR 293.) "The Board directed staff to **exclude** Infill areas where it would be challenging to establish future successful transit service connections even though certain areas met the Infill criteria." (AR 300 [emphasis added].) Accordingly, the TSG provides that for projects to be "screened out" from performing a VMT transportation impact analysis under the infill threshold, such projects must be located in a defined Infill Area that is also within a TOA. (AR 23183.) In other words, a project only complies with the TSG's infill threshold if it meets the criteria for infill development *and* is within a TOA.[8] As a result, Appellants have not shown that the Infill threshold improperly relies on future or speculative transit. In fact, when County staff mapped the VMT efficient and Infill Areas, it used the updated transportation model developed by SANDAG to estimate VMT within the region (the Series 14 model). (AR 44.) "These maps represent **existing** travel patterns within the region and are not based on future ReO1-40 cont. [8] As detailed in Respondent's trial court Opposition Brief on the Merits, the County's decision to place the TOA limitation on the infill threshold is consistent with CEQA and SB 743's goal of promoting transit and *transit-oriented* infill development. (AA 91–92.) 34	

Comment Letter ReO1

d. The "Village Expansion" of Infill does not create any abuse of discretion

Appellants also attempt to discredit the infill threshold because the defined Infill Areas were "expanded" to include the entire boundary of any General Plan "Village" located within the Infill Areas. (AOB, pp. 53–54.) Appellants' argument is without merit.

The County adopted the "Village Buffer" option to the infill threshold to reduce inconsistencies found in the travel demand modeling, as well as to "take advantage of the higher densities and mixed-uses associated with County Villages as described in the County's General Plan." (AR 285.) "The Village Buffer option builds upon the Infill Areas by including the entire boundary of the Village and helps account for inconsistencies with adjacent land-uses not adequately captured by the model but are otherwise consistent or have similar characteristics with the surrounding uses." (AR 285–86.)

ReO1-40 cont.

The "Village Buffer" is eminently supported by substantial evidence. The County's General Plan identifies "Village Areas" within the unincorporated County, where higher density development and mixed-use development is to be concentrated. (AR 23279.) Village Areas function as the center of community planning areas and contain the highest population and development densities. (AR 23180.) "Ideally, a Village would reflect a development pattern that is characterized as compact, higher density development that is located within walking distance of commercial services, employment centers, civic uses, and transit (when feasible)." (AR 23180.) The main goal of the Village Areas

Comment Letter ReO1

is to support multi-modal and mixed-use travel, as outlined in Goal LU-5.1 of the County's General Plan:

> *Reduction of Vehicle Trips within Communities.* Incorporate a mixture of uses within Villages and Rural Villages and plan residential densities at a level that support multi-modal transportation, including walking, bicycling, and the use of public transit, when appropriate.

(AR 23279.) Thus, the County's experts found that "[t]his makes the identified Village Areas as ideal locations to increase land use densities to draw and expand more regional transit services and Mobility Hub locations to the Unincorporated County." (AR 23279.) The County General Plan "recognized that the primary opportunities to reduce air quality pollutants and GHG emissions are in the urbanized areas of the County where there are land use patterns that can best support the increased use of transit and pedestrian activities since most GHGs and air pollutants result from mobile source emissions." (AR 23302.) As such, a project located "in a village context within the county can be considered an infill location because those locations represent the areas within the county that have the most compact land use pattern (as compared to rural areas)." (AR 23267.)

ReO1-40 cont.

Appellants challenge the "Village Buffer" on grounds that the County "provided no evidence" that the travel demand model "actually created" inconsistencies that would make the Village Buffer expansion necessary. (AOB, p. 53.) However, substantial evidence includes expert opinion. CEQA Guideline 15384(b)(2). The County may also rely upon the opinion of its staff in reaching decisions. *Oakland Heritage All.*, 195 Cal. App. 4th at 900. Accordingly, the County staff expert opinion noted

Comment Letter ReO1

TSG's "small project" threshold is well supported by substantial evidence and Appellants have not shown otherwise.

CONCLUSION

Based on the foregoing, the County respectfully requests that the Court affirm the trial court's judgment of dismissal. Appellants have not shown any CEQA violation in the County's adoption of the TSG and its Infill and Small Project thresholds for VMT, which are supported by substantial evidence.

ReO1-40 cont.

DATED: July 23, 2024

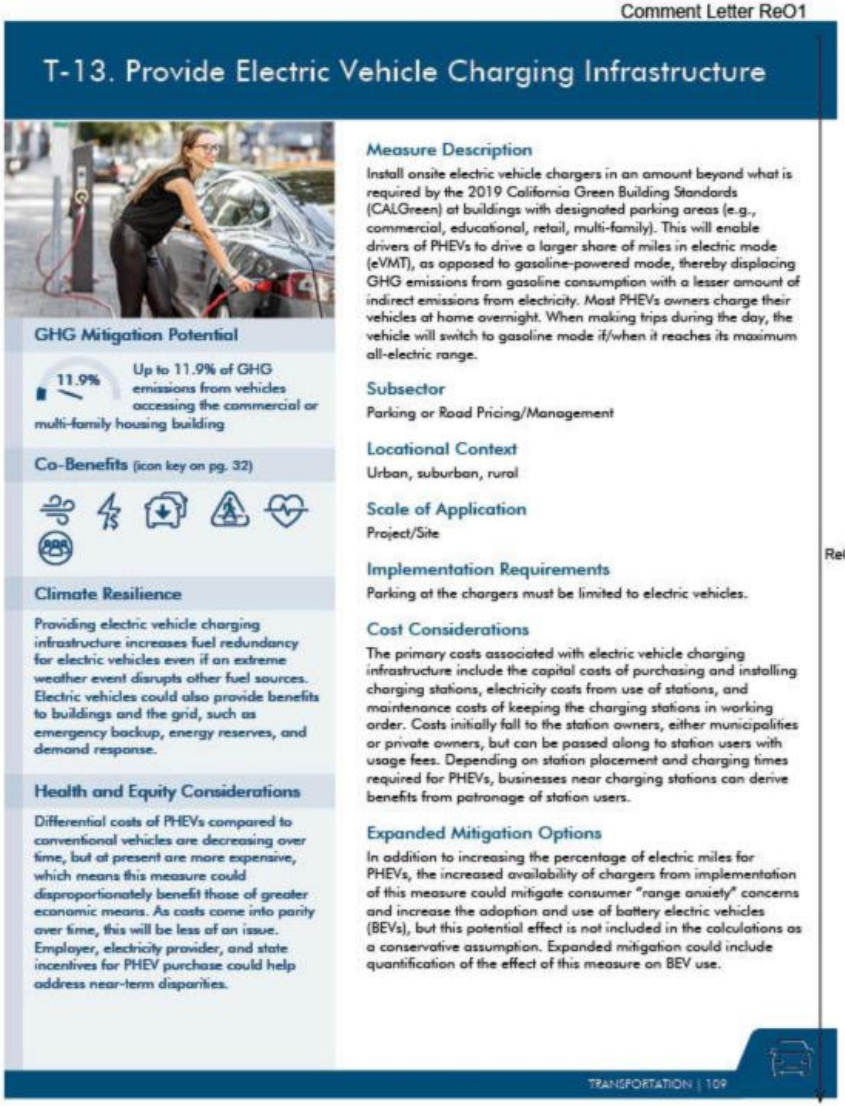
Respectfully submitted,

CLAUDIA G. SILVA, County Counsel

By Michael Masterson
Michael P. Masterson, Senior Deputy

Attorneys for Defendant-Respondent,
COUNTY OF SAN DIEGO

COMMENTS	RESPONSES
Comment Letter ReO1 **EXHIBIT D**	

COMMENTS	RESPONSES
Comment Letter ReO1  T-13. Provide Electric Vehicle Charging Infrastructure GHG Mitigation Potential 11.9% Up to 11.9% of GHG emissions from vehicles accessing the commercial or multi-family housing building Co-Benefits (icon key on pg. 32) Climate Resilience Providing electric vehicle charging infrastructure increases fuel redundancy for electric vehicles even if an extreme weather event disrupts other fuel sources. Electric vehicles could also provide benefits to buildings and the grid, such as emergency backup, energy reserves, and demand response. Health and Equity Considerations Differential costs of PHEVs compared to conventional vehicles are decreasing over time, but at present are more expensive, which means this measure could disproportionately benefit those of greater economic means. As costs come into parity over time, this will be less of an issue. Employer, electricity provider, and state incentives for PHEV purchase could help address near-term disparities. Measure Description Install onsite electric vehicle chargers in an amount beyond what is required by the 2019 California Green Building Standards (CALGreen) at buildings with designated parking areas (e.g., commercial, educational, retail, multi-family). This will enable drivers of PHEVs to drive a larger share of miles in electric mode (eVMT), as opposed to gasoline-powered mode, thereby displacing GHG emissions from gasoline consumption with a lesser amount of indirect emissions from electricity. Most PHEVs owners charge their vehicles at home overnight. When making trips during the day, the vehicle will switch to gasoline mode if/when it reaches its maximum all-electric range. Subsector Parking or Road Pricing/Management Locational Context Urban, suburban, rural Scale of Application Project/Site Implementation Requirements Parking at the chargers must be limited to electric vehicles. Cost Considerations The primary costs associated with electric vehicle charging infrastructure include the capital costs of purchasing and installing charging stations, electricity costs from use of stations, and maintenance costs of keeping the charging stations in working order. Costs initially fall to the station owners, either municipalities or private owners, but can be passed along to station users with usage fees. Depending on station placement and charging times required for PHEVs, businesses near charging stations can derive benefits from patronage of station users. Expanded Mitigation Options In addition to increasing the percentage of electric miles for PHEVs, the increased availability of chargers from implementation of this measure could mitigate consumer "range anxiety" concerns and increase the adoption and use of battery electric vehicles (BEVs), but this potential effect is not included in the calculations as a conservative assumption. Expanded mitigation could include quantification of the effect of this measure on BEV use. TRANSPORTATION | 109 ReO1-41	**Response to Comment ReO1-41** Exhibit D consists of excerpts provided to support Comment ReO1-21 discussion of allowable GHG emissions CAPCOA reductions associated with EV chargers. The analysis explaining variation from the provided information is located in Response to Comment ReO1-21.

COMMENTS	RESPONSES

Comment Letter ReO1

GHG Reduction Formula

$$A = \frac{B \times D \times (F - E) \times (G - (H \times I \times K \times L))}{-C \times J}$$

GHG Calculation Variables

ID	Variable	Value	Unit	Source
Output				
A	Percent reduction in GHG emissions from vehicles accessing the office building or housing	0–11.9	%	calculated
User Inputs				
B	Number of chargers installed at site	[ ]	integer	user input
C	Total vehicles accessing the site per day	[ ]	integer	user input
Constants, Assumptions, and Available Defaults				
D	Average number of PHEVs served per day per charger installed	2	integer	CARB 2019
E	Percent of PHEV miles in electric mode without measure	46	%	CARB 2020a
F	Percent of PHEV miles in electric mode with measure	80	%	CARB 2017
G	Average emission factor of PHEV in gasoline mode	205.1	g CO_2e per mile	CARB 2020a; U.S. DOE 2021
H	Energy efficiency of PHEV in electric mode	0.327	kilowatt hours (kWh) per mile	CARB 2020b; U.S. DOE 2021
I	Carbon intensity of local electricity provider	Tables E-4.3 and E-4.4	lb CO_2e per megawatt hour (MWh)	CA Utilities 2021
J	Average emission factor of non-electric vehicles accessing the site	307.5	g CO_2e per mile	CARB 2020a
K	conversion from lb to g	454	g per lb	conversion
L	Conversion from kWh to MWh	0.001	MWh per kWh	conversion

Further explanation of key variables:

- (D) – The average number of PHEVs served per day per charger installed is 2 vehicles (CARB 2019). If the user can provide a project-specific value, they should replace the default in the GHG reduction formula.
- (E) - Based on the EMFAC2017 model (v1.0.3), 46 percent of miles traveled by PHEVs in California are eVMT, and 54 percent are in gasoline mode (CARB 2020a).

ReO1-41 cont.

COMMENTS	RESPONSES

Comment Letter ReO1

- (F) – A review of EV user surveys and analytics included in the CARB's *Advanced Clean Cars Mid-Term Report* suggest that PHEV owners can reach 80 percent eVMT with access to adequate supportive charging infrastructure (CARB 2017).
- (G) – As described for (J), the average GHG emission factor for gasoline vehicles is 307.5 grams of CO2e per mile.
- The fuel efficiency of a PHEV in gasoline mode is calculated as 66.7 percent of the fuel consumption rate of a gasoline vehicle, based on the assumption that a gasoline hybrid vehicle has 50 percent higher fuel economy (miles per gal [mpg]) than a comparable gasoline vehicle, based on a comparison of the gasoline and hybrid Toyota Camry and Corolla models (U.S. DOE 2021). This percentage is applied to the average GHG emission factor for gasoline vehicles to determine the average emission factor for PHEVs in gasoline mode as (66.7%×307.5 g CO2e per mile). If the user can provide a project-specific value by running EMFAC based on the future year of a project, they should replace the default in the GHG reduction formula.
- (H) – Scaled from a light-duty automobile gasoline equivalent fuel economy 30.3 mpg (CARB 2020a), an energy efficiency ratio (EER) of 2.5 (CARB 2020b), and an assumption of 33.7 kWh electricity per gallon of gasoline (U.S. DOE 2021).
- (I) – GHG intensity factors for major California electricity providers are provided in Tables E-4.3 and E-4.4 in Appendix C. If the project study area is not serviced by a listed electricity provider, or the user is able to provide a project-specific value (i.e., for the future year not referenced in Appendix C), the user should replace the default in the GHG calculation formula. If the electricity provider is not known, the user may elect to use the statewide grid average carbon intensity.
- (J) – The average GHG emission factor for non-electric vehicles accessing the site was calculated in terms of COse per mile using EMFAC2017 (v1.0.3). The model was run for a 2020 statewide average of LDA, LDT1, and LDT2 vehicles using diesel and gasoline fuel. The running emission factors for CO_2, CH_4, and N_2O (CARB 2020a) were multiplied by the corresponding 100-year GWP values from the IPCC's Fourth Assessment Report (IPCC 2007). If the user can provide a project-specific value (i.e., for a future year and project location), the user should run EMFAC to replace the default in the GHG reduction formula.

ReO1-41 cont.

GHG Calculation Caps or Maximums

Measure Maximum

(A_{max}) The percent reduction in GHG emissions (A) is capped at 11.9 percent, which is based on the following assumptions used to generate a maximum scenario:

- (B) – number of chargers installed = 20. CALGreen provides a non-residential voluntary Tier 2 measure that requires projects with 201 or more parking spaces to allocate 10 percent of total parking spaces for "EV Capable" parking spaces (or 20 parking spaces) (CBSC 2019). Note that EV Capable parking spaces do not actually have EV chargers installed, though they do have electrical panel capacity, a dedicated branch circuit, and a raceway to the EV parking spot to support future installation of charging stations. Therefore, using the number of EV Capable parking spaces as a proxy for EV chargers as a high-end estimate is conservative.

COMMENTS	RESPONSES

Comment Letter ReO1

- (C) – total vehicles accessing the site = 200. Per the CALGreen voluntary measure, the number of total parking spaces that correspond with 20 "EV Capable" parking spaces is 201.
- (D) – PHEVs served per day per charger installed = 7. This value is the max (D_{max}). This assumes that all PHEV drivers would coordinate sharing of the limited number of chargers at the site. Value is based on data from the National Renewable Energy Laboratory (CARB 2019).
- (I) – carbon intensity of local electricity provider = 0 lb CO_2e per MWh. This assumes that the local electricity provider is powered 100 percent by renewables and thus has a carbon intensity of zero.

Subsector Maximum

($\sum A_{max_{T-1 \text{ through } T-9}} \leq 35\%$) This measure is in the Parking or Road Pricing/Management subsector. This subcategory includes Measures T-13 through T-15. The VMT reduction from the combined implementation of all measures within this subsector is capped at 35 percent.

Example GHG Reduction Quantification

The user will install electric vehicle chargers at their proposed office or multifamily housing development, which will enable employees or residents with PHEVs to drive a larger share of miles in electric mode, as opposed to gasoline-powered mode, thereby displacing GHG emissions from gasoline consumption with a lesser amount of indirect emissions from indirect electricity. In this example, 20 chargers (B) will be installed at a workplace with 200 daily employee vehicles accessing the site (C). The electricity provider for the project area is the Sacramento Municipal Utility District (SMUD) and the analysis year is 2022. The carbon intensity of electricity is therefore 344 lb CO_2e per MWh (I). The GHG impact is calculated as a 3.4 percent reduction from the total emissions from vehicles accessing the site.

$$A = \frac{20 \times 2 \frac{\text{PHEVs}}{\text{charger-day}} \times (80\% - 46\%) \times \left(205.1 \frac{\text{g } CO_2e}{\text{miles}} - \left(0.327 \frac{\text{kWh}}{\text{mile}} \times 344 \frac{\text{lb } CO_2e}{\text{MWh}} \times 454 \frac{\text{g}}{\text{lb}} \times 0.001 \frac{\text{MWh}}{\text{kWh}}\right)\right)}{200 \text{ vehicles} \times 307.5 \frac{\text{g } CO_2e}{\text{miles}}} = 3.4\%$$

Quantified Co-Benefits

While the measure will achieve fuel savings, it will also increase electricity consumption. This section defines the methods for quantifying Improved Local Air Quality and fuel savings, as well as increased electricity consumption.

Improved Local Air Quality

Local criteria pollutants will be reduced by the reduction in fossil fuel combustion. The percent reduction in criteria pollutants can be calculated using the GHG reduction formula. Electricity supplied by statewide fossil-fueled or bioenergy power plants will generate criteria pollutants. However, because these power plants are located throughout the state, electricity consumption from vehicles charging will not generate localized criteria pollutant emissions. Consequently, for the quantification

ReO1-41 cont.

Comment Letter ReO1

of criteria pollutant emission reductions, either the electricity portion of the equation can be removed, or the electricity intensity (I) can be set to zero.

Fuel Savings (Increased Electricity)

The percent reduction in vehicle fuel consumption would be the same as the percent reduction in criteria pollutant emissions. The percent increase in electricity use (M) from this measure can be calculated as follows.

Electricity Increase Formula

$$M = \frac{B \times D \times (F - E) \times J \times N \times O}{C \times P}$$

Electricity Increase Calculation Variables

ID	Variable	Value	Unit	Source
Output				
M	Increase in electricity from PHEVs	[ ]	%	calculated
User Inputs				
N	Existing electricity consumption of project/site	[ ]	kWh per year	user input
O	Days per year with vehicles accessing the site	260–365	days per year	user input
P	Average annual VMT of vehicles accessing the site	[ ]	miles per day per vehicle	user input
Constants, Assumptions, and Available Defaults				
	None			

Further explanation of key variables:

- (N) – The user should take care to properly quantify building electricity using accepted methodologies (such as CalEEMod).
- (O) – If the proposed development is a workplace in which employees access the site an average of 5 days per week, the user should input 260 workdays. If the development is multi-family dwelling, the user should input 365 days.
- Please refer to the *GHG Calculation Variables* table above for definitions of variables that have been previously defined.

Sources

- California Air Resources Board (CARB). 2017. *Advanced Clean Cars Mid-Term Report, Appendix G: Plug-in Electric Vehicle In-Use and Charging Data Analysis*. Available: https://ww2.arb.ca.gov/resources/documents/2017-midterm-review-report. Accessed: January 2021.
- California Air Resources Board (CARB). 2019. *Final Sustainable Communities Strategy Program and Evaluation Guidelines Appendices*. November. Available: https://ww2.arb.ca.gov/sites/default/files/2019-11/Final%20SCS%20Program%20and%20Evaluation%20Guidelines%20Appendices.pdf. Accessed: January 2021.

ReO1-41 cont.

COMMENTS	RESPONSES
Comment Letter ReO1 T-13. Provide Electric Vehicle Charging Infrastructure TRANSPORTATION | 114 • California Air Resources Board (CARB). 2020a. EMFAC2017 v1.0.3. August. Available: https://arb.ca.gov/emfac/emissions-inventory. Accessed: January 2021. • California Air Resources Board (CARB). 2020b. *Unofficial electronic version of the Low Carbon Fuel Standard Regulation*. Available: https://ww2.arb.ca.gov/sites/default/files/2020-07/2020_lcfs_fro_oal-approved_unofficial_06302020.pdf • California Air Resources Board (CARB). 2021. OFFROAD2017–ORION. Available: https://arb.ca.gov/emfac/emissions-inventory. Database queried by Ramboll and provided electronically to ICF. March, 2021. • California Utilities. 2021. Excel database of GHG emission factors for delivered electricity, provided to the Sacramento Metropolitan Air Quality Management District and ICF. January through March, 2021. • California Building Standards Commission (CBSC). 2019. Green Building Standards Code, Title 24, Part 11. Appendix A5 – Nonresidential Voluntary Measures. Table A5.601 Nonresidential Buildings: Green Building Standards Code Proposed Performance Approach. July. Available: https://codes.iccsafe.org/content/CAGBSC2019/appendix-a5-nonresidential-voluntary-measures. Accessed: May 2021. • Intergovernmental Panel on Climate Change (IPCC). 2007. *Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change* [Solomon, S., D. Qin, M. Manning, Z. Chen, M. Marquis, K. B. Averyt, M. Tignor and H.L. Miller (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA, 996 pp. Available: https://www.ipcc.ch/report/ar4/wg1/. Accessed: January 2021. • U.S. Department of Energy (U.S. DOE). 2021. *Download Fuel Economy Data*. January. Available: https://www.fueleconomy.gov/feg/download.shtml. Accessed: January 2021. ReO1-41 cont.	

COMMENTS	RESPONSES

Comment Letter ReO2

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October 7, 2024

Bianca Lorenza
Planning & Developments Services
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Via Electronic Mail
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RE: Notice of Trespass, Inverse Condemnation, and Uncompensated Takings
Harmony Grove Village South

Please accept this correspondence on behalf of our clients, Kevin Barnard, Jason and Kris Spurgeon, Phylis Strickland, and The Escondido Creek Conservancy ("Owners"). The Owners own land adjacent to the proposed Harmony Grove Village South project ("Project"), including private driveways that connect east of the Project at Johnston Road. As proposed, the Project would result in an uncompensated taking of Owners' properties. Not only do the Project studies and documents presume future Project residents will trespass on Owner's properties and sensitive resources in the event of an emergency, the County has conditioned Project approval on the availability of Owners' private property to serve as a secondary access route. However, California Constitution Article I, §19 requires that private property not be taken or damaged for public use without payment of just compensation to the owner. The Owners do not intend to provide Project access across their private properties. As a result, if the County approves the Project as previously designed and conditioned, my clients will be forced to enjoin the County's unlawful taking and the Project applicant's trespass. The Owners will also seek a judicial declaration of their private property rights. ReO2-1 ReO2-2 ReO2-3

Without the prospect of trespass to Johnston Road, the Project has only one viable evacuation route: Country Club Road to the west. Therefore, the Project relies upon "emergency" access via an unimproved, privately owned route that connects with Johnston Road. Without legal rights to access, improve, or maintain Owners' private property, however, future Project residents cannot lawfully access this route. The County's requirement that the Project nonetheless provide secondary access via the Owners' private property results in an uncompensated taking. ReO2-4

The Project record is replete with references to an emergency access route over and across Owners' private property (some of which includes sensitive habitat). For example, the Project Environmental Impact Report ("EIR") states: ReO2-5

> Additionally, a 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

Response to Comment ReO2-1

Comments noted. As titled, this letter does not comprise comments on the environmental analyses in the EIR, but is rather a "Notice of Trespass, Inverse Condemnation, and Uncompensated Takings." As such, its purpose is to notify the County of potential future legal proceedings rather than comment on technical environmental analyses. Strictly speaking, therefore, comments do not pertain to adequacy of the environmental analysis presented in the EIR and do not require response. Because the notice alludes to discussions in the EIR and provides conclusions regarding their findings, however, the responses below address and clarify these issues as appropriate.

Response to Comment ReO2-2

The comment incorrectly states that "the County has conditioned Project approval" on connection to Johnston Road as a secondary access route. The County does not "presume" future trespass on owner's properties and sensitive resources, but appropriately discloses that emergency responders may direct use of such a route as it currently exists. While the FPP and EIR included an analysis of secondary access options, including connection to Johnston Road, it found that none of the options was feasible without improvements. Specifically related to this option, improvements were found to be infeasible, in part based on the necessary crossing of private property and in part on the fact that the road could not be engineered to secondary access standards. The FEIR and FPP (Section 5.2.1.4) clearly state that Johnston Road connection is not a viable alternative for secondary access (in part due to the necessary crossing of private properties), but also due to grade and turn radii. That option was not considered a part of the FPP acceptance and dead-end road length code modification (see FEIR FPP, Appendix C).

As such, the Project never relied on connection to Johnston Road as secondary access. Please refer to 2018 Global Response: Adequacy of Emergency Evacuation and Access, as well as Global Responses: 2024 Fire / Evacuation, and generally, Res Judicata and New Information. Because the Project does not propose modification of any part of the owner's property, the road is not proposed for any kind of improvement, and no "uncompensated taking" is proposed. As indicated above, the FEIR does disclose that emergency

COMMENTS	RESPONSES
	responders may choose to direct evacuees to an existing dirt road connecting to Johnston Road during an emergency. Please note that in a State Responsibility Area (SRA), such as where Johnston Road is located, **road and street networks, whether public or private**, must provide safe access for emergency wildland fire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency (14 California Code of Regulations [CCR} Section 1273.00). This is directly applicable to the Johnston Road connection. Additionally, the choice to direct such use would be up to the managing emergency personnel and is not the result of a direct County proposal. The County is not aware of an instance in which property owner desire to deny entry supersedes directions by emergency personnel under emergency circumstances. This is contrary to the CCR section cited above. **Response to Comment ReO2-3** Comments noted. Please refer to Response to Comment ReO2-2. As approval of the Project is not conditioned upon use of a Johnston Road connection as secondary access, there would not be a taking of private property for routine public or private uses. Comments regarding owners seeking a judicial declaration of their ownership rights are noted. The County has no interest in obtaining ownership of any portion of the parcels in question. **Response to Comment ReO2-4** The comment ignores the fact that the Project provides a system of design features, additional road capacity, and contingency plans should evacuation be considered less safe than remaining on site in an event with inadequate evacuation time. The Project was deemed to include three egress points to Country Club Drive (CCD) and then multiple evacuation routes at the short distance to the HGR connection. Please refer to Response to Comment ReO2-2 related to the lack of reliance of the Project on taking of dirt roads leading to Johnston Road. In fact, the FPP and its evacuation analysis did not depend on that route for Project compliance with safety standards. The analysis that was approved by the technical experts and fire managers in the field was based on the Project internal road design (including the three egress points noted above),

COMMENTS	RESPONSES
	landscaping plan, improvements to CCD south of Escondido Creek, a bridge over the creek (which would be the second bridge post the 2014 Cocos Fire), and the ability for both HGV and HGV South to provide temporary shelter (both to their residents as well as community neighbors) if emergency direction by emergency managers was to stay put rather than evacuate. The comment states that emergency access would result in an uncompensated "taking." This statement is not understood. First, the comment seems to link a taking to the actions of improvement and maintenance of private property, which are not proposed by the Project. No permanent physical occupation of real property is proposed. Potential for emergency responders to route residents south of HGR (both existing and proposed) toward Escondido from the east side of HGV South in case of emergency is not expected to cause loss of economically beneficial or productive use of the land. Such use would not be expected to lack a nexus with a legitimate state interest (or lack proportionality to potential impacts). Also, such emergency direction would not be expected to interfere with an owner's reasonable investment-backed expectations for the subject parcels, or to have an economic impact on the property owner. Please also refer to Response to Comment ReO2-2, above. As noted, 14 CCR Section 1273.00 applies to both public and private roads located within the SRA, which is the case for connection to Johnston Road. Of course, should someone directed to use an unimproved dirt road as emergency access/egress decide to remain on property after the emergency and: (1) thereby no longer be subject to emergency personnel direction, or (2) engage in gratuitous and intentional damage to the property while passing through, or other unanticipated but illegal actions during the evacuation period, then of course that individual may be liable for criminal trespass. Failing such malign occurrence, however, the County is unfamiliar with instances in which simply routing individuals along specific routes during emergency conditions for a brief period of time constitutes a "taking."

COMMENTS	RESPONSES

Comment Letter ReO2

Notice of Unlawful Taking
Harmony Grove Village South
October 7, 2024
Page 2 of 3

situation where people need to be moved to the east and the primary access route (Country Club Drive) was not available.[1]

The Planning Commission's hearing report similarly noted the "Johnston Road Connection" was an "alternative access for emergency vehicles" though it was "not advised."[2] The Project itself was conditioned to include an evacuation route via Johnston Road – again, through the Owners' private property.

> Existing access for several residences east of the Project crosses the HGV South site (Figure 3.1.3-1). Such access would continue to be provided through the HGV South site after development, but via improved, code conforming on-site roadways, thereby improving the evacuation situation to the west for those off-site residences. Additionally, a 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 need to be moved to the east and the primary access route (Country Club Drive) is not available.[3]

ReO2-5 cont.

During the environmental review process, the County and Project applicant considered improving Johnston Road to provide secondary access and evacuation. In the draft EIR, the County determined "that ultimately, all of the alternatives are infeasible due to the inability to obtain legal access rights from private property owners. and the County's preference to avoid eminent domain."[4] This language was massaged in the final EIR:

> However, it was determined that ultimately, all of the alternatives are infeasible due to ~~the inability to~~ difficulties in obtaining legal access rights from private property owners, ~~and the County's preference to avoid eminent domain~~.

Notwithstanding the modified language, the intent is clear: instead of lawfully proceeding with improvements to Johnston Road, due to perceived difficulties, the County approved the Project in reliance upon the availability of Johnston Road in an emergency though such access would be unlawful, uncompensated, and now, physically impeded.

ReO2-6

[1] Final EIR, p. 3.1.3-23.
[2] May 24, 2018, Planning Commission Hearing Report, p. 1-39, available at https://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/hgvs/HGVSweb/ProjectDocs/HGVS%205-24-18%20Hearing%20Report%20(Reduced).pdf
[3] Final EIR, List of Mitigation Measures and Project Design Features, p. 7-27, Section 7.2.15 "Design Considerations for Hazards and Hazardous Waste – Operation", available at https://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/hgvs/HGVSweb/FinalDraftEIRDocs/PDS2015-GPA-15-002-Chap7.0.pdf
[4] Final EIR, p. 3.1.3-21.

CLG

Response to Comment ReO2-5

These comments reflect a misunderstanding of the EIR. Please refer to Response to Comment ReO2-2. The FPP and EIR included an analysis of secondary access options, including connection to Johnston Road, but found that none of the options was feasible without improvements. As such, the Project ***never*** relied on a Johnston Road connection as secondary access. Discussion of the presence of a dirt road that emergency responders may rely upon is not the same thing as stating that the Project relies upon such use. The 2018 FEIR wording regarding private property rights is accurate. Each of the secondary access routes was found infeasible. Please refer to 2018 Global Responses: Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access, as well as the Global Responses: 2024 Fire / Evacuation, and generally Res Judicata and New Information.

Response to Comment ReO2-6

Please refer to Response to Comment ReO2-2. The County did not rely on the availability of a Johnston Road connection to approve the Project and does not propose unlawful take of this property. It is noted that the commenter's assertion that use of a Johnston Road connection in an emergency would be unlawful is incorrect. As explained above, in a SRA, private and public roads must be used to facilitate evacuation in wildfire events. Also, it is well established that (even absent an SRA such as is present here), a defense to trespass includes conditions where the trespasser is evading potential danger leading to great bodily harm or death (so long as they do not engage in unlawful or damaging actions while briefly on the property). Following directions of emergency responders to take a particular route may fall into such a defense.

The comment notes that the route is "now, physically impeded." Please refer to Global Response: 2024 Fire / Evacuation, under the heading addressing "Commenter-suggested Changed Conditions" for discussion of this related issue.

Comment Letter ReO2

We urge the County to consider the legal ramifications of its decision: conditioning a private development Project to trespass on private, sensitive property. If the Project is approved as currently designed and conditioned, the Owners will have no choice but to seek judicial recourse. My clients intend to pursue actions for (including but not limited to) declaratory and injunctive relief, and inverse condemnation.[3] Should you have any questions feel free to contact me directly. ReO2-7

Sincerely,

COAST LAW GROUP LLP

Livia Borak Beaudin
Attorneys for Kevin Barnard,
The Escondido Creek Conservancy,
Jason and Kris Spurgeon, and
Phylis Strickland

[3] An inverse condemnation action is an eminent domain proceeding initiated by the property owner rather than the condemner (the County). The principles which affect the parties' rights in an inverse condemnation suit are the same as those in an eminent domain action. *Breidert v. Southern Pac. Co.* (1964) 61 Cal.2d 659, 663.

Response to Comment ReO2-7

Comments noted. They do not pertain to adequacy of the environmental analysis presented in the EIR and do not require response. As discussed above, the County would not condition the Project to criminal trespass on private property.

COMMENTS	RESPONSES

Comment Letter ReO3

2024 Board Members
Scott Sutherland, Chair
JP Theberge, Vice-Chair
Jon Dummer, Treasurer
Debbie O'Neill, Secretary
Eric Anderson
Jacqueline Arsivaud-Benjamin
Chondra Brown
Ryan Childs
Douglas Dill

October 7, 2024

Dahvia Lynch
Planning and Development Services
5510 Overland Ave Ste 210,
San Diego, CA 92123

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

Dear Ms. Lynch:

We have updated the previous letter reflecting new information. The following white paper documents the history, issues and concerns relating to Harmony Grove Village South and the 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. ReO3-1

Our goal for this letter is as follows: ReO3-2

- Educate the County 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 County and how crucial this relationship is for the future of how the community and the County collaborate.
- To request an opportunity to meet with staff to collaborate further on this issue as well as others;
- To respectfully ask the County (and by extension, the Rancho Santa Fe Fire District) 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 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

Response to Comment ReO3-1

These are largely introductory remarks noting that the letter documents the history, issues and concerns" for a "safer project." The comment does not directly address environmental analyses in the EIR and does not require a response. Please note, however, that the Project was challenged following approval and that Project safety was part of that litigation. The Court of Appeal did not find the safety challenges to be of merit. The County finds the Project as designed "safe." Please refer to Global Response: Res Judicata and New Information.

Response to Comment ReO3-2

This comment introduces a list of goals for the letter, with bullets focused on importance of issues to the community, the Council's relationship with the County, a request to meet with staff, a request for the County and Rancho Santa Fe Fire Protection District (RSFFPD) to look again at fire safety issues given unspecified "new information," and proactive appeal of decisions by RSFFPD in support of the Project pending requested review. No questions are asked, and no response is needed. Please refer to the Response to Comment ReO3-1 of this letter regarding safety.

It is noted, however, that the last two bullets refer to unspecified "new information that has surfaced" and "due diligence." Assuming that the new information is related to the Cova report (more fully discussed in Responses to Comments ReO3-27 et seq. of this letter), then the commenter is using the opinion of its newly retained fire expert in an attempt to introduce yet another expert's testimony to contradict the County's experts. However, the County is entitled to believe fire officials, who are experts by virtue of their jobs and years of experience, over the opinion of other experts that provide competing conclusions (Appellate Decision, pages 43 and 55). The *Wildland Fire Evacuation Plan for the Harmony Grove Village South Community* (Project Evacuation Plan) and fire protection system described in the *Fire Protection Plan Harmony Grove Village South* (FPP) were developed based on a multi-year process that used seasoned fire protection consultants and experienced fire prevention officers at the County Fire Authority and RSFFPD and was

COMMENTS	RESPONSES
Comment Letter ReO3 - 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. ReO3-3 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 morphed into a ranch and horse keeping community and now it is has a mix of young families, older legacy "ranch" residents and seniors. ReO3-4 From the very beginning, residents fought wildfires which have been a 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 firefighting 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 *Elfin Forest / Harmony Grove Town Council - Page 2*	reviewed by experienced third-party fire experts from Rohde & Associates. The Project's fire-related documents were reviewed by numerous professional fire prevention and protection personnel with hundreds of years of combined experience. Therefore, the County, relying on its fire officials, disagrees with Cova's contentions regarding the emergency accessibility of the Project site. The issue of competing expert opinions was soundly decided by the Appellate Court. Even if respondents presented: > *other experts' competing conclusions* [it] *does not render the EIR inadequate. As we have pointed out, it is well established that "'[disagreement] among experts does not make an EIR inadequate'"* (Appellate Decision, page 52). **Response to Comment ReO3-3** This comment introduces topics to be explored. No response is required. **Response to Comment ReO3-4** This comment provides the commenter's context for upcoming comments. Information on history and fire fighting in the area appears mostly accurate. No additional response is required.

COMMENTS	RESPONSES

Comment Letter ReO3
 	
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, Elfin Forest and Eden Valley in advocating for fire safety and protection.
 	
The community values a strong relationship with the fire district and the County.
 	
• *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. The fire house in Elfin Forest is still a community focal point.
 	
• *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) requiring a two-thirds vote to approve. Despite not being a volunteer fire district anymore, 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.
 	
Elfin Forest / Harmony Grove Town Council - Page 3
 	
ReO3-4 cont.	

Comment Letter ReO3

- 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.

ReO3-4 cont.

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 well[1]. At the last minute, the fire changed direction, luckily for those several thousand vehicles at a standstill just downwind from the fire's origin.

ReO3-5

[1] San Diego Union Tribune, April 24, 2019, *Cocos fire traffic jams to be reviewed* (link)

Response to Comment ReO3-5

The comment references the 2014 Cocos Fire evacuation as an example of the evacuation deficiencies in the Harmony Grove area. Please refer to Global Response: 2024 Fire / Evacuation for information on changed road conditions since the 2024 Cocos fire, addressal of evacuation traffic being at a "standstill," as well as testimony provided by fire managers at 2018 hearings, under the heading including "Local Technical Professionals' Consensus on Congestion During Evacuations," which directly addresses the photo titled "evacuation standstill" in the comment. As indicated by the San Diego County Sheriff's Department (SDCSD) during the HGV South Planning Commission Hearing (Planning Commission Hearing [https://sdcounty.granicus.com/player/clip/2657?view_id=12&redirect=true] at approximately 4 hours 37 minutes), SDCSD is confident it can evacuate the area.

COMMENTS	RESPONSES
Comment Letter ReO3 *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. ReO3-5 cont. *Elfin Forest / Harmony Grove Town Council - Page 5*	

COMMENTS	RESPONSES
Comment Letter ReO3 Elfin Forest Harmony Grove Town Council *View from project site during Cocos Fire, 2014* ReO3-5 cont. 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. ReO3-6 *Elfin Forest / Harmony Grove Town Council - Page 6*	**Response to Comment ReO3-6** The comment is speculative when it assumes that HGV and HGV South residents would have been evacuated simultaneously with other areas during the Cocos Fire. In fact, following build out, the HGV and HGV South sites would both function as large fire breaks on the landscape, and depending on direction from emergency responders, would offer options for evacuees other than fleeing the area (see 2018 Global Responses: Adequacy of Emergency Evacuation and Access as well as Global Response: Res Judicata and New Information).

COMMENTS	RESPONSES
Comment Letter ReO3 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 after the build out of Harmony Grove Village, there would have been 742 more homes and over 2,000 more residents in harm's way as the Harmony Grove Village footprint was enveloped by the Cocos fire. And the evacuation routes that were overburdened 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 ReO3-6 cont. *Elfin Forest / Harmony Grove Town Council - Page 7*	

Comment Letter ReO3

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.

ReO3-6 cont.

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 horse keeping and other agricultural or rural features.

ReO3-7

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. Ms. Dahvia Lynch, who recently took over as a Deputy Chief Administrative Officer for the County, was a planner at the time for the County. She was one of the lead staff members who worked with the community to come up with a win-win for everyone.

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 had 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

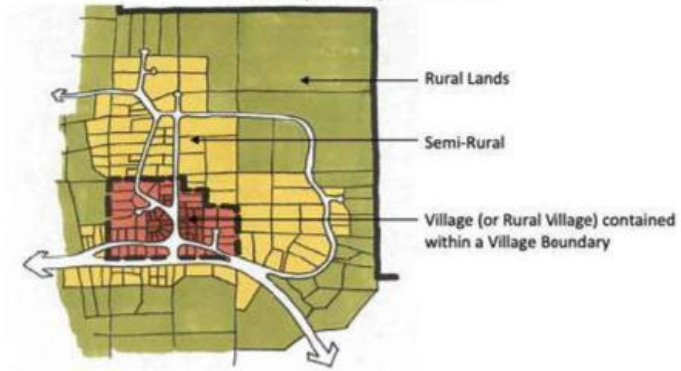
Response to Comment ReO3-7

This comment provides the commenter's summary of planning history supporting the 2011 General Plan, particularly with regard to the Community Development Model, and identifies some individuals working with the community. The comment does not address environmental analyses in the EIR and does not require a response.

Elfin Forest / Harmony Grove Town Council

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 illustration was created by urban planner, Howard Blackson who was also involved in the planning process and it was incorporated into the County's General Plan Update.

Community Development Model



The community chose a 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 planners (including Ms. Lynch and Mr. Blackson) promised that the zoning in the rest of the valley would remain rural for the foreseeable future. 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:

ReO3-7 cont.

ReO3-8

Elfin Forest / Harmony Grove Town Council - Page 9

Response to Comment ReO3-8

The perceived "promises" made (express, implied, and/or as understood by the commenter) described in the comment related to previous planning efforts. Plans are guidance documents, but project approval decisions are based on specific proposed project location and design, detailed and objective environmental analysis, and plan conformity review. Based on these considerations, a decision is made to approve or disapprove a project. Guidance documents cannot tie the County's hands in amending prior decisions. As stated in 2018 FEIR Section 8.3.2.3, *General Plan Related Issues*, such an action:

> *is contrary to well established California law that prohibits the unlawful delegation of legislative authority. A legislative body may not contract away its police power by restricting future legislative actions to the consent of other property owners. This would be considered an unlawful surrender of the County's legislative authority and an invalid "contracting" away of its police powers.*

Please also refer to Global Response: Res Judicata and New Information.

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." ReO3-8 cont.

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) and an equestrian facility would be built south of Harmony Grove Road. This made for a cleaner dividing line (or buffer) between village and rural areas 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. ReO3-9

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. It would *more than double* number of homes in the wider community and fairly quickly. Had the community opted for a community-wide upzoning, it would have taken many years to reach that level of housing organically. 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). ReO3-10

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

Response to Comment ReO3-9

Comment noted. Regarding discussions prior to adoption of the 2011 General Plan, please refer to Response to Comment ReO3-8 of this letter. It is noted that the HGV plan as adopted included park areas as well as an equestrian ranch with limited commercial and residential uses south of Harmony Grove Road (HGR).

Response to Comment ReO3-10

This comment describes the commenter's thoughts on HGV, an adjacent project by a different applicant. As such, it does not address environmental analyses in the HGV South EIR and does not require a response.

touted as an example of how communities and the County could collaborate to meet state requirements in a "win-win" scenario.

ReO3-10 cont.

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. The Board of Supervisors at the time allowed this project to go through without any mechanism to fund the ongoing operations of the firehouse. Chief Twhoy, the fire chief at the Elfin Forest/Harmony Grove Fire District testified that this would be a problem. This created a shortfall of around $2 million per year. This shortfall was documented in the LAFCO application later on, during the proposed fire merger between EFHG Fire District (CSA 107) and RSF Fire Protection District.[2] The County knew there was a shortfall and still voted to approve it without requiring a mechanism to pay for it. This created more pressure to come up with ways to fund the fire station. Did the County know that HGV South was waiting in the wings?

ReO3-11

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 minutes[3] 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

[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

Response to Comment ReO3-11

The comment discusses mergers between fire protection services groups and funding gaps for the new RSFFPD fire station near the Project. While funding gaps were mentioned by LAFCO and included in early drafts of the HGV South FPP, the actual status of funding details, shortfall amounts, or needed revenue has not been publicly available information. The Project would provide funding on a fair-share basis which would offset emergency calls generated by the Project. but it is not anticipated that the Project would provide funding to offset an existing shortfall.

Eden Forest Harmony Grove Town Council

was somehow eliminated through transfers or other agreements. 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.*

ReO3-11 cont.

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).

ReO3-12

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.

ReO3-13

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

ReO3-14

ReO3-15

[4] Rancho Santa Fe Fire Protection District Board of Directors Meeting Agenda, February 20, 2019 (link)

Response to Comment ReO3-12

This comment provides the commenter's view regarding developer's motivations. The comment does not address environmental analyses in the EIR and does not require a response.

Response to Comment ReO3-13

Please see Responses to Comments ReO3-1, -5 and -6, of this letter respectively, regarding safety/evacuation, and Response to Comment ReO3-11 of this letter regarding circumvention of agreement. Please also refer to Global Response: Res Judicata and New Information.

Response to Comment ReO3-14

The comment speculates as to a developer's reason for picking a project name. This does not address environmental analyses in the EIR and does not require a response. The comment also mentions that the Project is located in a box canyon. This is not correct. Please refer to Global Response: Res Judicata and new Information under the heading "On-site Topography" for discussion.

Response to Comment ReO3-15

The comment states that state law requires secondary access when a dead-end road exceeds 800 feet in length. This is incorrect. Secondary access is one response, but not the only response. Please refer to 2018 Global Response: Fire Hazards Impact Analysis, as well as Global Response: 2024 Fire/Evacuation regarding the Project Fire Code modification and secondary access review. Please also refer to Global Response: Res Judicata and New Information. The County acknowledges that homes associated with the Harmony Grove Spiritualist Association burned during the Cocos Fire, but also notes that the fire damaged/destroyed structures were of older construction, which is more vulnerable to wildfire, occurred in an area where most properties lacked adequate defensible space/fuel modification setbacks, and in an area that does not provide for many basic firefighting features, including fire hydrants.

COMMENTS	RESPONSES

Comment Letter ReO3

Elfin Forest Harmony Grove Town Council

due to the possibility of the main egress being blocked for evacuation and apparatus[5], 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 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. ReO3-15 cont. ReO3-16

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 was not fully understood by the community, also gave the impression that the county and fire authorities supported 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 (which it actually hadn't been) 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. ReO3-17

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 ReO3-18

[5] Code of California Regulations, Title 14, Section 1273.08 Dead-End Roads (link)
[6] CSA-17 Advisory Committee Special Meeting, November 17, 2016 (link)

Response to Comment ReO3-16

Please refer to Global Responses: Res Judicata and New Information, as well as 2018 Fire Hazards Impact Analysis (particularly Section 8.3.3.6), and 2024 Fire / Evacuation regarding the area Very High Fire Hazard Severity Zone (VHFHSZ). The Project's FPP recognized that the area has been designated a VHFHSZ. As such, the Project is required to implement important fire safety measures including ignition-resistant construction materials and methods for all structures, fuel modification on the perimeter and throughout the Project, access, water, and many others (refer to the Project's FPP).

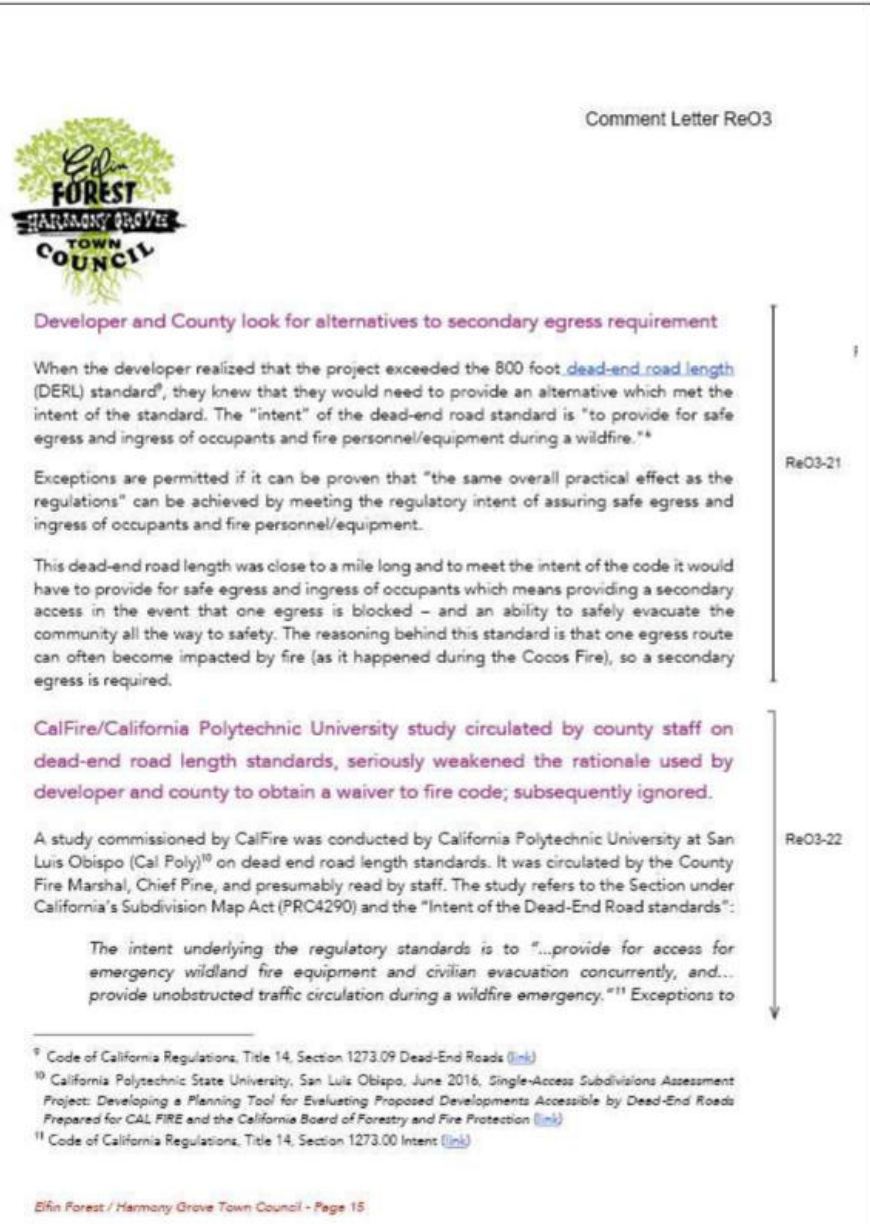
Response to Comment ReO3-17

Please refer to Response to Comment ReO3-11 of this letter.

Response to Comment ReO3-18

Please refer to Response to Comment ReO3-16 of this letter. Regarding the comment's reference to 30 homes being lost in the 2014 Cocos Fire, it is important to note, that the lost structures were located at the end of Country Club Drive (CCD) and Cordrey Drive, to the south and west of the HGV South site. Please also refer to Response to Comment ReO3-15 of this letter regarding those homes. The two communities are not really comparable. The existing community's older and not fire-hardened buildings/setting do not match those of a planned community subject to the latest ignition-resistant building materials and methods and Fire Code requirements for access, water, defensible space, emergency response time, and ongoing maintenance.

COMMENTS	RESPONSES
Comment Letter ReO3 Ellin FOREST HARMONY GROVE TOWN COUNCIL immediately adjacent to the project. The Del Dios and Harmony Grove fires both destroyed houses in that immediate vicinity. Most importantly, however, this flammable bowl valley *"has only one road out that has a low fire exposure rating"*, two lane rural collector, Country Club Drive.[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.44*[8] • *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.* ReO3-18 cont. ReO3-19 ReO3-20 [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) *Ellin Forest / Harmony Grove Town Council - Page 14*	**Response to Comment ReO3-19** The comment misrepresents that the Project area has one road out with a low fire rating and references the Project Evacuation Plan. There are ***multiple potential evacuation routes*** available to the Project's residents as the referenced pages of that plan actually indicate. The reference to CCD's low fire exposure rating and two lanes is not completely accurate. In its current condition, CCD in the Project area has two lanes and a higher fire exposure rating. With the Project and its planned improvements to CCD, the road would then be considered to have a low fire exposure risk due to the additional lane provided (three lanes versus the existing two lanes), along with the wide modified fuel zones adjacent to the widened road and bridge, and the disturbed and low fuel nature of large areas to the west of CCD that would not facilitate intense wildfire near CCD. The "low" rating is referencing the potential Wildfire Exposure Rating*, with the lower rating equating to less potential exposure to wildfire*. In this case, the low rating indicates that utilizing CCD is a good option during an evacuation as it has a low exposure potential due to the lack of wildland fuels along the roadway. This same section of the Project Evacuation Plan presents that there are multiple potential routes out of the area, not the one route indicated in the comment. The Plan analyses five different potential routes and notes that up to three of those routes have low or low-to-moderate exposures, while the other two have potentially high exposure, depending on the location of the fire. This result is consistent with the Rohde & Associates' *Harmony Grove Village South Wildfire Risk Analysis* (Wildfire Risk Analysis; a reference document supplementing the DEIR and located on the County website) that states on page 15: "Consultant staff and public safety staff who reviewed the site agreed that 4 (sic) routes of escape, two with strong viability and two that may be dangerous, exist for evacuation from the proposed project site." Please refer to Global Response: Res Judicata and New Information. **Response to Comment ReO3-20** A modification is not a variance or permission to not follow the Fire Code, please refer to Response to Comment ReO3-15 of this letter. It is also noted that (where an Initial Study is followed by an EIR, the purpose of an Initial Study is to identify items requiring analysis in that EIR. The *initial* finding is a

COMMENTS	RESPONSES
	call for evaluation, not a conclusion. In this instance, the Initial Study was a trigger for the detailed analysis on this issue provided in the Project EIR. Those analyses and conclusions were based on the FPP as well as supporting documents as noted in Response to Comment ReO3-19. The results of that detailed analysis led to the conclusion in the EIR. Please also refer to Global Response: Res Judicata and New Information. **Response to Comment ReO3-21** Please refer to Response to Comment ReO3-15 of this letter regarding the requirement to provide secondary access. Please also refer to 2018 Global Response: Adequacy of Emergency Evacuation and Access regarding secondary access review and to Global Response: 2024 Fire / Evacuation regarding comparison of 2018 analysis requirements with current standards. **Response to Comment ReO3-22** The comment references a research paper prepared by Cal Poly San Luis Obispo in 2016. The stated purpose of that study was to: assess the current standards, to provide a defensible foundation for establishing new standards if needed, and to develop a simple-to-use planning tool based on computer modeling that could be applied by jurisdictions, developers, and others to: (1) judge whether a project proposal is likely to satisfy the "same practical effect" criterion; and (2) assist them in identifying mitigation options that will enable this criterion to be met. The study, when it was first released, was reviewed by the fire agencies and consultants involved with the HGV South Project. Based on consensus among fire agencies throughout the state, the study was largely found to include minimal useful information and to be applicable primarily in northern California, with rural/remote project sites. It is telling that the planning tool developed by the study is not in use by any planning or fire agency in southern California. While the report concludes that utilizing the Public Resources Code (PRC) dead-end road lengths is not the best approach, it provides no specifics for improving what it considers an inadequate current dead-end road length requirement. Further, it assumes development in scattered home sites subject to wildfire exposures along a road, ignoring the master planned community and

COMMENTS	RESPONSES
Comment Letter ReO3 Elfin Forest Harmony Grove Town Council *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. ReO3-22 cont. 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 Cal Poly 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."* ReO3-23 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: *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* ReO3-24 [12] Code of California Regulations, Title 14, Section 1273.00 Intent (link) *Elfin Forest / Harmony Grove Town Council - Page 16*	its superior fire protection as well as the acceptable mitigations that result in better ingress/egress, even if only via one route. The comment states that additional off-street parking, increased fuel modification zones (FMZs) etc. do not contribute to safe egress or ingress when fire blocks routes. To the contrary, removing potential for cars to narrow emergency access vehicles during emergency events through provision of above-Code required off-street parking directly affects ingress/egress – including by fire trucks/emergency personnel. Similarly, increased FMZs contribute to open routes without overhanging or immediately abutting vegetation that could combust and discourage ingress / egress. Both of these elements support maintenance of open routes and would discourage fire blocking them. Benefits of ignition-resistant construction and ability to temporarily shelter on site have been exhaustively addressed elsewhere in Project documentation. The HGV South Project's efforts to address fire and evacuation were considered viable and code consistent as well as robust and deemed to provide the same practical effect as secondary access. Please refer to Global Response: Res Judicata and New Information. **Response to Comment ReO3-23** The Cal Poly study mentions that performed calculations indicate that a third lane alone does not result in faster evacuations, but it makes a series of unsupported/unvetted assumptions to arrive at that conclusion. One of the important factors that the study does not consider are scenarios where there are protected evacuation corridors (similar to HGV South) with multiple potential routes within a short distance of that third lane (also similar to the HGV South setting) which would logically provide more options, fewer vehicles per option, and faster evacuation speeds, when properly managed. Further, the study is only peripherally applicable to San Diego County, and particularly HGV South. This is due to the site's unique proximity (short distance) to HGR and its short distances from there to the highly urbanized areas of Escondido. The report ultimately concludes that: (1) large developments may take longer to evacuate, (2) that numerous egress routes may result in faster evacuations, (3) that the current regulations need to be changed, (4) that agencies should cooperate with CAL FIRE, and that (5) mitigations offered for same practical effect as the dead-end road length secondary access option be enforced. Based

Elfin Forest Harmony Grove Town Council

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.

ReO3-24 cont.

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 Cal Poly 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.

ReO3-25

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.

ReO3-26

on the lack of applicability and vague references as well as fire agency rejection of the planning tool and no changes to the PRC dead-end road length requirements, this research paper is not relevant to the approval of the dead-end road modification.

Response to Comment ReO3-24

Please see the Responses to Comments ReO3-22 and -23 above regarding Project approach to these issues, as well as why the Cal Poly study was not found useful in evaluation of the Project. This also applies to the evacuation modeling tool cited in this comment. Exiting capacity is an important consideration, but certainly not determinative of a project's ability to provide safe options to residents and neighbors during wildfire events. The comment is focused on a single element of a more comprehensive and detailed approach. Please refer to 2018 Global Responses: Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access regarding secondary access review, as well as Global Response: 2024 Fire / Evacuation regarding comparison of 2018 analysis requirements with current standards. Please also refer to Global Response: Res Judicata and New Information.

Response to Comment ReO3-25

Regarding the Cal Poly study, the County did not ignore it. Please refer to Responses to Comments ReO3-22, -23, and -24 of this letter for rationale regarding the inapplicability of that Plan's findings to the Project.

Response to Comment ReO3-26

Per the FEIR's FPP (EIR Appendix L), the Project conducted an extensive analysis of potential secondary access routes (FPP Appendix C). The comment is accurate that each of the routes was determined to be infeasible due to a variety of environmental, logistical, or other factors. The email from James Pine (County Fire) to Michael Huff (Dudek) was not particularly associated with HGV South. Dudek routinely communicates with fire agencies that have jurisdiction, particularly where they have ongoing projects. HGV South was one of dozens of projects in San Diego County that Dudek was evaluating in 2016. Dudek's approach to the HGV South dead-end road length exceedance was neither a scheme nor a result of the Cal Poly Study conclusions. The firm

COMMENTS	RESPONSES
Comment Letter ReO3 From: Fire, 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 Picture 1 www.sdcountyfire.org 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 immediately 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 (per their own traffic study). Vehicle throughput needs to be measured throughout the entire evacuation route, not just a few hundred feet. ReO3-26 cont. *Ellin Forest / Harmony Grove Town Council - Page 18*	had been working on resolving exceedance through the Code-consistent modification since initially contracted to work on the Project. The referenced memorandum was an early summation of the types of fire protection, prevention and suppression design features that would aid in providing the same practical effect as secondary access. As with any project, the summary memo was a starting point to indicate the request for a modification and to seek input from the applicable fire officials. Dudek received input from both County Fire and RSFFPD and worked with the County and Applicant to incorporate those requested features into Project design. This resulted in the final, approved modification request, that was considered to provide justification for the code-required findings. The comment also references evacuation-related road capacity information provided by Dudek and a Town Council-hired consultant (Rahn Conservation Consulting) who provided an evaluation of the HGV South project and its evacuation. The 500 VPH was a conservative estimate to simulate congestion and horse trailer evacuees, and assumes the equivalent of a 2-mph travel speed. In reality, roads like CCD, HGR, and Harmony Grove Village Parkway (HGV Parkway) would be estimated to support up to 1,900 VPH, as referenced in the HGV South FPP. Therefore, the evacuation time estimates were meant to be very conservative, and the reality is that a faster evacuation would be likely. In addition, please also refer to 2018 Global Response: Adequacy of Emergency Evacuation and Access (see particularly Sections 8.3.4.1 through 8.3.4.5) addressing the various concerns related to evacuation and detailing how fire and law enforcement agencies with responsibility for protecting and evacuating HGV South were in support of the FPP and Project Evacuation Plan. Further, the County responded comprehensively (50 individual comments/responses) to the consultant's report in 2018, identifying misperceptions and lack of full understanding of fire and evacuation concepts represented in the report's content (please refer to responses to Comment Letter O3c of the 2018 FEIR). Similarly, the Cova opinion cited in the comment does not include a comprehensive understanding of the area, the HGV South Project, the evacuation routes available (multiple available routes, not one) or the emergency management resources that are available during evacuations. Please also refer to Global Response: Res Judicata and New Information.

COMMENTS	RESPONSES
	Response to Comment ReO3-27 Thomas Cova's resume shows extensive fire review experience. Please also refer to Response to Comment ReO3-2 of this letter regarding introduction of Cova opinion as "new information." Regardless, in any specific evaluation, some experts can be "more expert" than others. This is often the case when outside experts provide more generalized information (or base analyses on more generalized information, without the on-the-ground knowledge of local experts who are familiar with the area. Similarly, models with unknown efficacy and applicability can be presented as predicting future conditions without surety for the reader that the projections are correct. Please see Response to Comment ReO3-26 regarding the very conservative nature of the 500 vehicles per hour. The number of evacuees assumed also is extremely aggressive, as the reality varies by incident, phasing, road closures, and intersection control. Relative to the estimation of hours to evacuate, many scenarios could be evaluated. This worst-case projection is not likely to happen given current management of evacuations, which prioritize areas most vulnerable and divert evacuees to multiple routes. Experts who manage evacuations have stated publicly that it is safe and they can mobilize large numbers of officers and other personnel to man intersections. Dr. Cova is a Utah-based researcher, who based on his input and report analyzing HGV South, did not visit the site to understand the area, its fire environment, available emergency management resources, and the short distances to urbanization. Dr. Cova provides an opinion that conflicts with local fire and evacuation experts from San Diego County Sheriff's Department (SDCSD), San Diego County Fire Authority (SDCFA; now San Diego County Fire Protection District [SDCFPD]), fire professionals at RSFFPD, a County-hired, independent, third-party fire safety consulting firm (Rohde & Associates), a County-certified consulting firm with 20+ years of experience in San Diego County (Dudek) who spent three years evaluating the Project and its specific fire environment. Relative to comments by a retired City of San Diego Assistant Chief of Police regarding deployment of deputies, it is again noted that contrary conclusions were reached by the above list of qualified technical specialists, with detailed knowledge of this specific jurisdiction and location.

COMMENTS	RESPONSES
	Response to Comment ReO3-28 Contrary to the assertion that Fred Cox's input was ignored, the RSFFPD Chief at the time passed along these concerns and they were incorporated into the HGV South FPP, as requested by Mr. Cox. For example, and following the order of the memorandum: 1. Roadside FMZs along CCD are provided between the road and the developed Project area as well as thinning adjacent to the bridge crossing Escondido Creek per the FEIR's FPP (see Appendix G – Fire Safety Master Plan); 2. Evacuation capacities were evaluated and (based on input from multiple sources [SDCFA/SDCFPD, RSFFPD, SDCSD, Rohde & Associates, and Dudek]), the evacuation capabilities of the Project's entrances, CCD, and the multiple potential options at HGR, resulted in consensus that the unique location of the site, in proximity to urban Escondido along with its ability to offer on-site sheltering, offered a defensible community that could be quickly evacuated if needed; 3. While the FPP included an analysis of secondary access options, including connection to Johnston Road, it found that none of the options was feasible without improvements. As such, the Project never relied on a Johnston Road connection and such was not considered a part of the FPP acceptance and dead-end road length code modification (see FEIR FPP, Appendix C) as well as information regarding lack of reliance on Johnston Road in Response to Comment ReO3-29, below; and 4. FMZs were extended from 100 feet to between 125 and nearly 200 feet in the south, east and southwestern sides of the Project (FEIR FPP Appendix G – Fire Safety Master Plan). Figure 3.1.3-1 of the 2018 FEIR depicts the Project site and its surrounding FMZs that provide a buffer between the site and abutting parcels. An excerpt from that larger graphic is included here, simplified for legibility and highlighting important fires safety design features incorporated into the

COMMENTS	RESPONSES
	Project. For all of these issues, please also refer to 2018 Global Responses: Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access, as well as the Global Responses: 2024 Fire / Evacuation, and generally, Res Judicata and New Information.

COMMENTS	RESPONSES
Comment Letter ReO3 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 ReO3-28 cont. Developer claims that an unimproved trail could serve as an emergency egress under emergency circumstances In order to assuage decision-makers' concerns about lack of secondary egress, 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 ReO3-29 *Elfin Forest / Harmony Grove Town Council - Page 20*	**Response to Comment ReO3-29** The EIR never identified connection to Johnston Road as appropriate for horse trailers. The FEIR and FPP (Section 5.2.1.4) clearly stated that a Johnston Road connection is not a viable alternative for secondary access (in part due to the necessary crossing of private properties, but also due to grade and turn radii). The documents did say that in 2018 it was accessible to "typical passenger vehicles" and could provide a way off the property. In part, this was based on use of the road by residents south of HGR during Escondido Flood events, which, although rare, could result in the creek Arizona crossing being impassable. The FPP and its evacuation analysis, however, did not depend on that route. The analysis that was approved by the technical experts and fire managers in the field was based on the Project internal road design, landscaping plan, multiple connections to CCD, improvements to CCD south of Escondido Creek, a bridge over the creek (which would be the second bridge post the 2014 Cocos Fire), and the ability for both HGV and HGV South to provide temporary shelter (both to their residents as well as community neighbors) if emergency direction by emergency managers was to stay put rather than evacuate. It is unclear exactly where the photographs in the comment were taken from, but they are not along the dirt road alluded to in Project documents (there are other trails in proximity to the route evaluated that appear on GoogleEarth to have analogous sections of vegetative cover). Regardless, because it was not put forward as a "viable alternative" to secondary access and was not relied upon for evacuation approval, the point is moot. Please refer to 2018 Global Responses: Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access, as well as Global Response: 2024 Fire / Evacuation under discussion of "Commenter-suggested Changed Conditions Along a Connection to Johnston Road," as well as, generally, Res Judicata and New Information.

COMMENTS	RESPONSES
Comment Letter ReO3 supposed to serve as a "worst case scenario" during a wildfire event. It is impassable even by offroad vehicles. 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. ReO3-29 cont. Elfin Forest / Harmony Grove Town Council - Page 21	

COMMENTS	RESPONSES
Comment Letter ReO3 ReO3-29 cont. *Elfin Forest / Harmony Grove Town Council - Page 22*	

COMMENTS	RESPONSES
Comment Letter ReO3 Elfin Forest Harmony Grove Town Council **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. ReO3-30 **Developer appeals** The County chose not to appeal this ruling, but the developer did 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, which we know is now not viable. ReO3-31 ReO3-32 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. ReO3-33 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 *Elfin Forest / Harmony Grove Town Council - Page 23*	**Response to Comment ReO3-30** Comments noted. Regardless of the findings of the Superior Court, the Court of Appeal found that focused specifics of the GHG mitigation measure and the affordable housing issue to be the only issues of merit. Please refer to Global Response: Res Judicata and New Information. **Response to Comment ReO3-31** Comments noted. Lead agency discretion to rely on identified experts (even if opposing information is provided) is a noted legal principle where experts are provided by opposing parties. In this case, in addition to the fact that the FPP was authored by a company vetted by the County to provide such technical information, the experts the County relied upon were uniformly the experts in charge of County safety during fire events, with detailed knowledge of area specifics – the applicable fire department (RSFFPD), CAL FIRE, the Sheriff's Department, and County Fire staff. It is noted without prejudice that Rahn Environmental Consulting (the opponent's specialist) was not and is not on the County's list of qualified technical specialists for this topic. **Response to Comment ReO3-32** Please refer to Global Response: 2024 Fire / Evacuation and to Response to Comment ReO3-29 of this letter. **Response to Comment ReO3-33** Pending recirculation of the 2024 GHG Subchapter 2.7 and *Global Climate Change* Report and resolution of the affordable housing condition, the County did rescind 2018 approvals. Project approval or denial will be before decision makers. Specific to VMT, the 2018 VMT analysis was upheld by the Court of Appeal. As stated in Response to Comment ReO1-5, the Project is not required to comply with the County's 2022 TSG, including the requirement to prepare a VMT analysis or in this case, an infill analysis. Nevertheless, the Project prepared an Infill Analysis to determine if the Project also met the County's "infill" requirements, as outlined in Section 3.3.1 of the 2022 TSG. But to be clear, the Project is not relying on an exemption from the TSG based on the Infill Analysis and the Project's election to prepare an Infill Analysis does not

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.

ReO3-33 cont.

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. However, while these are CEQA arguments, the County still needs to make findings for a General Plan Amendment which includes whether or not it impacts public safety. This has always been the case and given the fact that the project approval was fully rescinded, the new Board has the discretion to make that decision.

ReO3-34

New changes on the ground should trigger another look at wildfire and evacuation safety

ReO3-35

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 51179[15] *"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 previously designated lower fire hazard severity rating (page 2).[16] The FPP clearly states: *"The developing Harmony Grove project to the north has created a large low-fire risk area in alignment with*

[15] California Code, Government Code - GOV § 51179 (link)
[16] Wildland Fire Evacuation Plan for the Harmony Grove Village South Project, page 2 (link)

change the fact that the Project is not required to prepare a VMT analysis. Also refer to Global Response: Res Judicata and New Information.

Response to Comment ReO3-34

Comment noted. The County agrees. Please refer to Response to Comment ReO3-33.

Response to Comment ReO3-35

The County disagrees with the comment suggesting changes on the ground should require a re-analysis of the Project's fire safety based on updates to fire hazard severity zone maps in adjacent but off-site HGV. Please refer to Global Response: Res Judicata and New Information under the heading "Fire Hazard Rating at HGV" for specific relevant discussion of fire severity zone mapping.

north/northeast wind directions, reducing the fire threat at the Project site."[17]

- 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. [18]

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 are is now considered a Very High Fire Severity (red), including Harmony Grove Village.

ReO3-35 cont.

- In addition, the state attorney general's office has also issued new guidance that essentially negates the idea of "paved areas" as reducing wildfire risk. The HGVS Fire Protection Plan makes exactly that claim and the ability to shelter-in-place on the nearby HGV project is predicated on that, now-debunked assumption.
  - *"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*

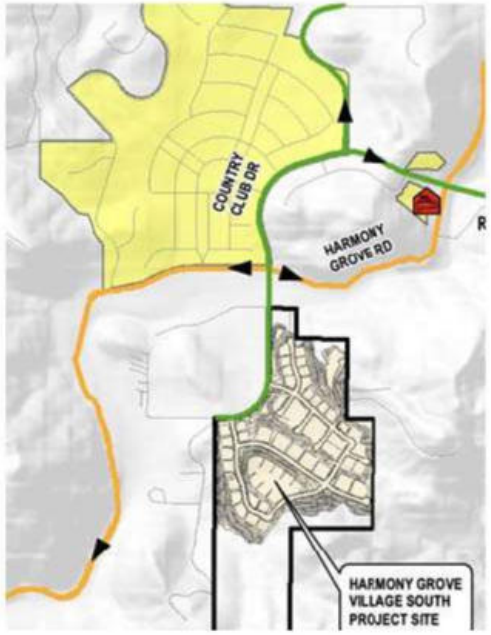
ReO3-36

[17] Appendix L to the Draft EIR, Harmony Grove Village South Fire Protection Plan, page 19 (link)
[18] CalFire Fire Hazard Severity Zones (link)

Response to Comment ReO3-36

Specific to HGV South and Attorney General (AG) Guidance, please refer to Global Response: 2024 Fire / Evacuation Section 8.7.4.6 regarding the (non) effect of updated hazards mapping regarding temporary sheltering during fire events. Refer also to Global Response: Res Judicata and New Information. Per the HGV South FPP, the Project does convert wildland fuels (primarily on-site grasslands) to ignition-resistant, irrigated and managed landscapes and FMZs. But as the AG Guidance suggests, this alone does not mitigate the risk of a new development in a fire hazard severity zone. The Project, like all new projects in San Diego County in fire-prone areas, and as detailed in the Project FPP, is required to provide a comprehensive and layered fire protection system that includes fire prevention measures (resident education, outreach), fire protection (ignition-resistant construction, FMZs, ignition-resistant landscapes, and fire suppression (fire sprinklers, close fire station, water and fire flow, and fire apparatus access). This system protects the Project from wildfire encroachment and performs equally as well at protecting against on-site ignitions spreading off site. Please refer to Response to Comment ReO1-30 for specifics as discussed in the 2018 FEIR on page 8-40.

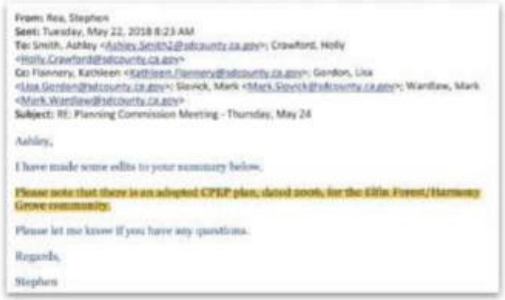
COMMENTS	RESPONSES
Comment Letter ReO3 Elkin Forest Harmony Grove Town Council *well-accepted understanding that the fundamental driver of increased wildfire risk is the introduction of people into a flammable landscape."*[19] ReO3-36 cont. o The assumption that evacuees might be safe sheltering in place on the roads and parks of Harmony Grove Village is not supported by data. The assumption is that because HGV is built to the latest wildfire resistant standards it is going to be significantly safer and thus a refuge of last resort. Given the dire evacuation scenarios depicted by two separate, independent fire consultants, certainly, those potentially entrapped people will have to seek out shelter wherever they can find it, but roadways and parks of HGV may not offer the refuge they seek. o While wildfire hardened construction does help reduce the risk that a home will catch fire, recent fires have shown that even these homes will catch fire at rates that are not comforting. For example, in the Camp fire in Paradise, where hundreds of people died trying to evacuate from the area, approximately 49% of the wildfire hardened homes burned down[20]. Residents who are seeking shelter in HGV will essentially be flipping a coin as to whether or not they will be safe. Other fires in California have also shown that fire-hardened homes may lower the chance of fire, but not necessarily enough to rely on them as refuge. The Tubbs fire in Santa Rosa showed that 83% of the newly constructed[21], fire-hardened homes caught fire. It is important to note that the Cocos Fire footprint completely enveloped the HGV development footprint. One can see the shape of HGV in the fire map as the recently graded lots could not catch fire. With that area now filled with 752 homes, we can estimate that, conservatively, half of them will catch fire. Not an ideal place to shelter in place. ReO3-37 [19] 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) [20] KQED, *In Camp Fire, Newer Houses Were Much Less Damaged* (link) [21] Reveal, *Should development be extinguished on California's fire-prone hills?* (link) *Elkin Forest / Harmony Grove Town Council - Page 26*	**Response to Comment ReO3-37** Please refer to 2018 global responses and to Global Response: 2024 Fire / Evacuation, which discuss Project use of shelter in place as a contingency or last resort option, as vetted and accepted by the SDCFA and RSFFPD. See also the Project's FPP and Project Evacuation Plan for discussion of roadside refuge areas, including HGV. HGV and the other identified roadside refuge areas remain viable sites for the purpose of seeking refuge in a late evacuation or as an evacuation alternative if fire conditions change. Numerous examples were cited where master planned communities have been tested by wildfire and performed well with little to no damage (refer to 2018 Global Response: Fire Hazards Impact Analysis and Response to Comment ReO1-30, as cited above). The comment's comparison of HGV South and the Harmony Grove area with that of Paradise reveal a misunderstanding of fire environments. During the Camp Fire, residents of Paradise, located within a conifer forest, had to travel nearly 10 miles through forested landscapes to an urbanized area out of harm's way. HGV South is within a grassland and low shrub landscape with less than a mile to urbanized landscapes. Paradise did not include fire-adapted master planned communities, but scattered, mostly older structures. The fire environments are drastically different as are the fire protection features that were not in place in Paradise, but would be in the Project. The lost structures in Santa Rosa during the Tubbs fire were sited in wildland urban intermix dispersion, which results in more wildfire exposure due to the lack of urbanized conversion of natural landscapes than occurs with higher density master planned communities. The opinion that at least half of the HGV homes would catch fire is not supported by fire science. It is not reasonable to extrapolate information on losses of structures of unknown ages and vulnerabilities to new, ignition-resistant structures in a master planned community. The cited Reveal article actually confirms the system approach of master planned communities with HOA maintaining landscapes and FMZs rather than the reverse. The article provides photographs of supposedly "new" ignition-resistant homes that were destroyed, but in every photograph, the fuels around the home were neither strategically selected and placed nor maintained, which led to structural damage. These examples are all intermix homes

COMMENTS	RESPONSES
Comment Letter ReO3  *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.* ReO3-37 cont. • *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 ReO3-38 *Ellin Forest / Harmony Grove Town Council - Page 27*	dispersed amongst the fuels. It cannot be compared with a master planned community that provides defensibility and a condensed wildland urban interface hardened edge. It is suspected that lack of ongoing vegetation maintenance and ember penetration due to lack of ember resistant vents (which would be provided on Project structures) resulted in damage to these homes. It is also noted that two or more of the homes appear to have been on ridgelines/very edge of slope. This is different from the Proposed Project, where slopes below buildings would be cleared and converted to managed FMZs and buildings would be set back from top of slope to RSFFPD requirement, which exceeds state codes. Finally, please note that identification of a temporary shelter in place location does not signal "lack of faith in a proper evacuation," but rather demonstrates the high level of fire-hardening imposed on the Project, as well as providing one more safety element to residents (including existing off-site residents) south of HGR. **Response to Comment ReO3-38** The comment lists a change as the existence of an adopted evacuation plan that was not analyzed for interference by the Project's construction, and also references a 2022 CWPP. Please refer to Global Response: 2024 Fire / Evacuation discussion "Community Protection and Evacuation Plan and Community Wildfire Protection Plan Documents."

Comment Letter ReO3

plan."[22]

- 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 CPSP plan, dated 2006, for the Elfin Forest/Harmony Grove community.

Please let me know if you have any questions.

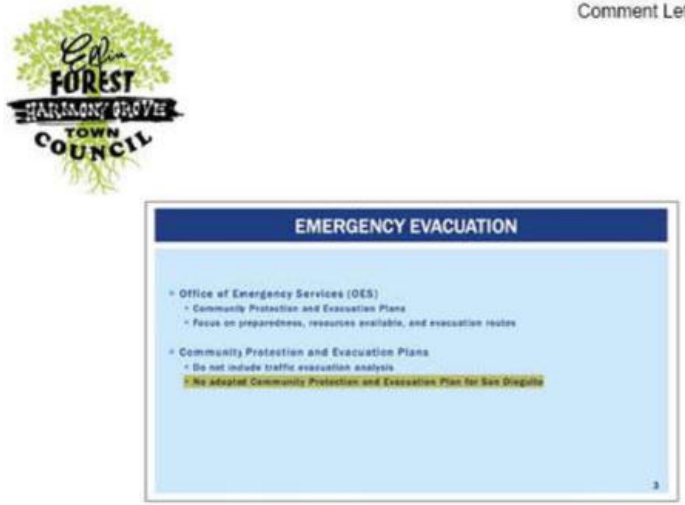
Regards,

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 indeed exist. They deprived the community of much-needed analysis of evacuation impacts.

ReO3-38 cont.

[22] California Code of Regulations. Title. 14, division. 6, chapter 3, appendix G (link)

COMMENTS	RESPONSES
Comment Letter ReO3  ReO3-38 cont. o 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)[23] to the County. It was approved and signed off by Chief Mecham and Chief McQuead and ultimately adopted by the County. o 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 project[24]. In the original application, the cumulative impacts included projects that were in progress or proposed for the area. Since then, several unforeseen but 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 ReO3-39 [23] Elfin Forest Harmony Grove Fire Safe Council, *2022 Community Wildfire Protection Plan* (link) [24] CEQA Guidelines Section 15130(b), Cumulative Impacts (link) *Elfin Forest / Harmony Grove Town Council - Page 29*	**Response to Comment ReO3-39** The comment identifies two projects located along CCD that have been proposed since 2018 FEIR completion. Please refer to Global Response: 2024 Fire / Evacuation discussion "Potential New Projects in the HGV South Vicinity," which addresses both of the noted projects.

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 evacuations[25] 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 90 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)[26]. 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.[27] There is no industry data documenting how these complex and very temperature sensitive facilities and their HVAC systems would react to the heat, smoke and ash of 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 egress and ingress. According to "SANDAG's (Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region,"[28] this project

ReO3-39 cont.

[25] San Diego Union Tribune, June 21, 2024, *Fire in Otay Mesa puts battery storage projects under scrutiny and neighborhoods on edge* (link)

[26] EPRI Failure Incident Database (link)

[27] The Hidden Risk Behind Growing Capacity, June 2024, Grow the San Diego Way (link)

[28] SANDAG's (Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region (link)

COMMENTS

Comment Letter ReO3

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.* ReO3-39 cont.

- *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."[29] 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: ReO3-40
    - *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: ReO3-41
        - 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.
        - 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 stage[30], can serve as a valuable ReO3-42

[29] 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)

[30] FEMA, Planning Considerations: Evacuation and Shelter-in-Place (July 2019) (link)

Elfin Forest / Harmony Grove Town Council - Page 31

RESPONSES

Response to Comment ReO3-40

The comment suggests that the 2022 California AG's Guidance document would change the results of the Project's analysis. To the contrary, the HGV South analysis and approach is very consistent with the AG Guidance, as described below: Please refer to Global Response: 2024 Fire / Evacuation discussion "California Attorney General Guidance of 2022" and "Clarified Fire Starts / Ignitions and Housing Density Review."

Response to Comment ReO3-41

The comment states that the new Guidelines "require" various analysis in evacuation plans. This is incorrect. As stated in the AG Guidance (emphasis added): "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." Please refer to Response to Comment ReO6i-1, as well as Global Response: 2024 Fire / Evacuation discussion of "California Attorney General Guidance of 2022."

Response to Comment ReO3-42

The comment indicates that the AG Guidance recommends against overreliance on shelter in place. This is wholly consistent with Project assumptions, as described in Global Response: 2024 Fire / Evacuation discussion "California Attorney General Guidance of 2022." The FEIR's Project Evacuation Plan makes it clear that temporary refuge or sheltering in place is a contingency plan (contingency mentioned 22 times in the Project Evacuation Plan) with a clear focus on early evacuation as the primary and preferred option. A contingency, last-resort option of safely refuging on site is also discussed. Further, the FEIR's FPP states on page 41 (emphasis added):

> *The project will incorporate the same fire protection philosophies as Rancho Santa Fe's shelter in place communities, but will not seek shelter in place status. HGVS (sic), like most new communities in San Diego County,* ***will offer the last resort option of temporarily seeking refuge on site if early, safe evacuation is not*** possible.

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.*[31] *This needs to be looked at again in light of the new guidance from the state.*

ReO3-42 cont.

- *Conversion of wildland into paved development does not reduce fire risk:* As previously noted, 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 South[32], 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.*[33]

  - 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."[34] 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*

ReO3-43

[31] Wildland Fire Evacuation Plan for the Harmony Grove Village South Community (link)
[32] Appendix L to the Draft EIR, Harmony Grove Village South Fire Protection Plan, Page 19 and 39 (link)
[33] Appendix L to the Draft EIR, Harmony Grove Village South Fire Protection Plan, Page 19 (link)
[34] International Journal of Wildland Fire 2019, 28, 641–650, *High wildfire damage in interface communities in California.* (link) https://doi.org/10.1071/WF18108

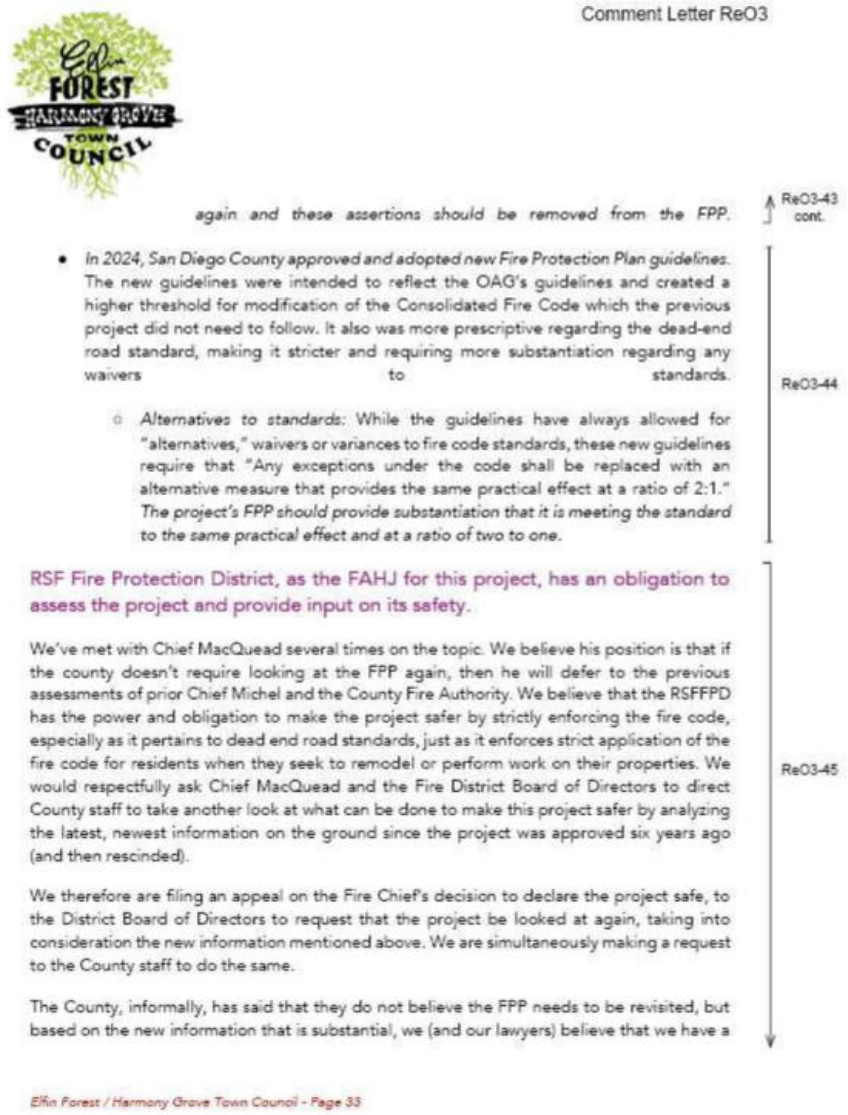
It is also clearly described in 2018 FEIR Section 8.3.4.5 on page 8-48, where amongst other clarifications, it states:

> *Shelter in place should be considered as a contingency solution for instances when an early evacuation is not possible. Fire officials recognize that sheltering in an ignition-resistant community, like The Crosby or HGV South, is safer than a late evacuation.*

The HGV South Project's approach requires a robust fire protection system that still relies on early evacuation, but would provide a safety net for its residents, nearby residents in more vulnerable existing areas, and for firefighters (but did not rely on shelter in place or temporary refuge in lieu of safe evacuation).

Response to Comment ReO3-43

The cited text does not suggest that it is relying on the conversion of natural areas to development as reducing or not increasing fire risk. The cited text explains the fact that newer, dense developments built to the required VHFHSZ construction materials and methods, and inclusive of fuel modification buffers and ongoing maintenance, are proven to provide fuel breaks that reduce hazards by removing the very fuels (and threat) that sustain wildfires and replacing them with ignition-resistant landscapes, as discussed on page 8-40 of the 2018 FEIR. The text indicates that these areas are at lower risk of wildfire exposure because of these features. These types of developments have been found to not only perform exceedingly well against wildfire, but it is also self-evident that such a development could act as a fuel break to older structures where the newer development is located between the older property and the fire. The text does not indicate that the conversion of the HGV and HGV South sites reduces or does not increase the risk of wildfires in the area, but that it reduces hazards and threats and provides low risk landscapes. This does not conflict with the AG Guidance document.

COMMENTS	RESPONSES
	**Response to Comment ReO3-44** The updated FPP Guidelines referenced in the comment provide more background and details on why certain actions and requirements are important. In terms of actual changes from the 2010 Guidelines, they are minimal outside of formatting changes (refer to Global Response: 2024 Fire / Evacuation for full discussion). Focusing on the comment's assertion that modifications now require substantiation of same practical effect at a 2:1 ratio, the adopted updated Guideline mentions the 2:1 ratio in Section 5.10, and applies to all proposed alternatives to the standards. Determining what accomplishes the 2:1 ratio is not defined and would likely require consultants and agency personnel to explore a package of proposed alternatives, customized to the specific site, and ultimately providing same practical effect. This is the same process that was provided for the HGV South Project, and it is likely that the provided alternative measures would meet the 2:1 ratio in many respects. With regard to the HGV South modification, the updated Guidelines' dead-end road length standards remain the same with additional detail on the type of information that must be submitted and the analysis that must be completed when requesting a modification (refer to Global Response: 2024 Fire / Evacuation). The HGV South modification request may have been the model for these changes as the HGV South FPP provides all of the required information: Regardless of the updated Guidelines consistency with the HGV South Project's analysis and provisions for substantial alternative measures, the regulations and policies that are applicable at the time an FPP is accepted (and upheld by a court ruling) are the only regulations and policies with which the FPP must be consistent. It would be precedent setting and likely illegal to make an accepted FPP be opened and revised years after its acceptance. **Response to Comment ReO3-45** The County has fully responded to each of the issues raised by the commenter, both in 2018 and 2024. The comments are general statements relevant to commenter's opinion and desires as to agency actions, and only a general response can be provided. The commenter notes actions requested of local agencies, but ignores the fact that safety issues were not found to be of merit

COMMENTS	RESPONSES
Comment Letter ReO3 legal standing to require it. The County is reviewing our petition from counsel which is why recirculation was delayed. Summary of what we're asking the County to Consider: • We'd ask that the County and 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 have officially appealed 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. o 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.[35] • We'd ask that the County recirculate the fire protection and evacuation portions of the project application and weigh in on new information and on areas that would improve our safety (including requiring a secondary egress or an equivalent that meets or exceeds that standard). • This letter is not intended to be a substitute for the letter written by our attorneys, Shute Mihaly & Weinberg (SMW), submitted on October 7, 2024. It is meant to provide much needed context in layman's terms expressing some of the community's concerns about the project. The SMW letter takes precedence over this letter and if there are any inconsistencies between the two letters, the SMW letter takes priority. ReO3-45 cont. [35] County of San Diego Consolidated Fire Code, 2023, Sec. 111.4.3 (link) *Elfin Forest / Harmony Grove Town Council - Page 34*	by the Court of Appeal. Please refer to Response to Comment ReO3-1 of this letter. Comments provided in the cited SMW letter have been separately responded to in responses to Comment Letter ReO6.

COMMENTS	RESPONSES
Comment Letter ReO4a Docusign Envelope ID: C0ABD3CE-C206-4E38-816A-A3B3A628DE55 Escondido Creek Conservancy October 4, 2024 1 Honorable Chair Nora Vargas and Honorable Members of the Board of Supervisors **REF: Harmony Grove Village South (HGVS) 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** Dear Chair Vargas and Members of the Board, The Escondido Creek Conservancy (Conservancy) is a 501(c)(3) non-profit that exists to enhance the lives of people and wildlife in the Escondido Creek watershed. We do this by leading, educating and advocating for our natural surroundings. Founded in 1991, the Conservancy owns or manages 3,100 acres of wildlife preserves and annually implements outdoor education programs for thousands of youths and adults. **San Diego County has been a Critical Conservation Partner** The Conservancy has been San Diego County Park and Recreation's partner and cheerleader on multiple conservation acquisitions in the area near the HGVS project as we have worked together, and with other conservation partners, to help build out the "gnatcatcher core" of the North County MSCP. The Elfin Forest/Harmony Grove area is unique in North County as it still retains some of the last best contiguous habitat for the coastal California gnatcatcher, some, but not all, which is already preserved. ReO4a-1 The area nearby the HGVS site additionally includes buffer lands and wildlife corridors that are critical to supporting key habitat lands across North County so that biological values are retained in perpetuity and regional biodiversity is strengthened and enhanced. Just a few short, tiny wing flaps from the HGVS site, three important sensitive birds have been verified, the threatened coastal California gnatcatcher, the endangered southwestern willow flycatcher and the endangered least Bell's vireo. Additionally, neighbors regularly hear gnatcatchers on the HGVS site. Importantly, because of previous conservation commitments by the County and others, so-called common species (i.e., not threatened, not endangered) are still found in the area. Deer are frequently seen, and the Conservancy and others regularly catch images of mountain lions on our wildlife cameras. This is evidence we all are doing what is needed to keep a part of California wild. This is what success of the South County MSCP, and the still draft North County MSCP looks like; we are not-yet Los Angeles and instead are charting our own unique San Diego County model of balancing the needs of habitat with housing where both thrive, but in locations that are COMMENTS ON HARMONY GROVE VILLAGE SOUTH | www.escondidocreek.org, P.O. Box 460791, Escondido, CA 92046	**Response to Comment ReO4a-1** Comments related to the history of conservation efforts in the Project area are noted. They do not pertain to the adequacy of the environmental analysis presented in the EIR and do not require response.

Docusign Envelope ID: C0AB03CE-C206-4E38-816A-A3B3A828DE55

suitable to each. Importantly, the HGVS site is shown as pre-approved mitigation area (PAMA) in the draft North County Plan, an acknowledgement by the county's staff of the value of the HGVS site to area conservation and the North County Plan.

Over $60 million+ in public and private conservation investment has been spent in recent years in Elfin Forest and Harmony Grove, near the HGVS site, to build out the still-forming integrated preserve system that comprises the core of the North County MSCP. That doesn't count previous investments that led to the Elfin Forest Recreational Reserve and other habitat lands protected in earlier years. The Reserve, the Del Dios Highlands Preserve, and the Conservancy's largest preserve, the Keithley Preserve, also provide regional recreational access so that people all over the county can experience this beautiful place.

ReO4a-1 cont.

2

San Diego County Parks and Recreation and the Board of Supervisors have been critical and much appreciated partners in this effort to build out the North County Plan, but the work is not done and the HGVS project, if approved, will severely undercut previous conservation investments.

ReO4a-2

A Legacy of Conservation Could be Lost

We all have heard the statement that San Diego County has the largest number of endangered and threatened species of any county in the continental U.S. That is because our county has a multitude of unique landscapes and microclimates suitable for many different species, creating spectacular biodiversity. That multitude of habitats is threatened by the wrong developments in the wrong places, which led to the County and other regional visionaries to initiate the Multiple Species Conservation Program (MSCP). The goal of the MSCP was to preserve a network of connected natural areas, protecting biodiversity while allowing for housing in areas better suited for urban development.

The Board of Supervisors should be very proud to be part of a legacy whereby the County was a key player in effort to protect what is now the 774-acre Del Dios Highlands County Preserve directly adjacent to the HGVS site. The Conservancy purchased the initial acreage from the Derbas family, and later sold it to the County which agreed to protect it forever at a critical time when lands near the adjacent 800-acre Elfin Forest Recreational Reserve (Reserve) were under threat of incompatible development. The County later purchased additional acreage which has enlarged and strengthened the County Preserve, which, in turn has strengthened the Reserve.

ReO4a-3

San Diego County stepped forward at another crucial juncture, to save the Cielo Azul property, located 1.5 miles from the HGVS site. Cielo Azul is a jewel and includes part of the region's cherished "Way Up" trail. The then-Board of Supervisors had the wisdom to see that preservation of the Cielo Azul property was necessary to not undermine the Reserve and a unique public trail system and stepped in instead to save it. Additionally, San Diego County Parks and Recreation and the Board of Supervisors made strategic acquisitions of the Family Stations property and University Heights property, in partnership with the Conservancy, located in Elfin Forest and Harmony Grove, just one-half mile from the HGVS site. An additional Conservancy-owned 23-acre parcel borders the HGVS site on the north, known as the Quarry Preserve, which was not reflected in the EIR for HGVS as preserved lands. In short, 80%+/- of the acreage near the HGVS site is preserved habitat.

ReO4a-4

While the County was making the above-mentioned investments, the Conservancy and other conservation organizations and private and public agencies were making other conservation and mitigation investments nearby, as we and others continued to acquire properties to help

ReO4a-5

Response to Comment ReO4a-2

The Project identifies adequate mitigation in accordance with County requirements as well as Draft MSCP North County Plan ratios for mitigation. As such, the Project would contribute to existing conservation efforts and would not "undercut" previous conservation investments.

Response to Comment ReO4a-3

Comments noted. Refer to Response to Comment ReO4a-1.

Response to Comment ReO4a-4

Comments noted. While the Quarry Preserve was not identified by name in the EIR, the referenced area at the intersection of Country Club Drive (CCD) and Harmony Grove Road (HGR) was considered to be preserved lands in the EIR, as shown in 2018 FEIR Figure 2.3-6.

Response to Comment ReO4a-5

Comments noted. Refer to Response to Comment ReO4a-1.

COMMENTS	RESPONSES

Comment Letter ReO4a

Docusign Envelope ID: CBABD3CE-C2D6-4E38-816A-A383A328DE55

build out a continuous system of protected wildlands extending across North County, building a joint conservation legacy that will live beyond our lifetimes. ReO4a-5 cont.

How much protected land is enough? Death by a Thousand Cuts.

It might seem easy to say there is already enough protected land and no more is needed, and that the regional need for housing should take priority in all land use decisions. Common sense tells us just like every property is not appropriate for a nature preserve or a wildlife corridor, every property is not appropriate for a subdivision.

3 The San Diego Natural History Museum (the NAT) has just begun a multi-year effort to evaluate our region's canyon system, comparing levels of biodiversity. Per the NAT, our "canyons are threatened by continued development, pollution, invasive species and more." One of the canyons not far from the HGVS site, on Conservancy property, is part of the NAT study. Preliminary data show that canyon has greater biodiversity than any other in the study. The reason: it is imbedded and protected inside a larger system of preserved lands, in a unique area that has yet to be chopped up by incompatible development which means wildlife still have safe places where they can live their lives as nature intended. This rarity for southern California is undermined every time a new subdivision is approved in high wildfire risk wildlands. ReO4a-6

As part of the EIR review process the Conservancy, and others, are providing comments on the many reasons the HGVS site is a bad location for subdivision development. Our comments are appended below. ReO4-7

The HGVS site has never made sense for housing subdivision which is confirmed by your own county planners PAMA designation. Additionally, we must remember that up until recently, the HGVS site had a more appropriate low-density zoning, which was unfortunately upzoned by a misrepresented General Plan "cleanup." ReO4-8

Sadly, in 2001-2002, the residents of the semi-rural Elfin Forest and Harmony Grove communities trusted the word of two San Diego County planners who spoke before them at a community meeting regarding the then-proposed Harmony Grove Village project. The planners said that the Harmony Grove Village project would establish the urban limit line and there would be no additional high-density developments south of Escondido Creek. ReO4-9

As a result of that promise to protect the semi-rural character of the Elfin Forest and Harmony Grove communities and the wonderful regional recreational and wildlife resources contained therein, the community chose to not oppose the Harmony Grove Village development.

The proposed HGVS project is south of Escondido Creek.

In Environmental Science magazine in 2010, W. Laurence coined the term "Death by a Thousand Cuts," where he said **"Humankind has dramatically transformed much of the Earth's surface and its natural ecosystems. This process is not new—it has been ongoing for millennia—but it has accelerated sharply over the last two centuries, and especially in the last several decades. Today, the loss and degradation of natural habitats can be likened to a war of attrition. Many natural ecosystems are being progressively razed, bulldozed, and felled by axes or chainsaws, until only small scraps of their original extent survive."** ReO4-10

Response to Comment ReO4a-6

Comments noted. They do not pertain to the adequacy of the environmental analysis presented in the EIR and do not require response. Please note, however, that the comment is not relevant to Project analyses as Project development would be located on valley floor and lower slopes abutting the valley floor. The site is not in a canyon. Please refer to Global Response: Res Judicata and new Information under the heading "On-site Topography."

Response to Comment ReO4a-7

Responses to the specific comments referenced are provided in responses to Attachment 1. Please see Response to Comments ReO4b-1 through -18.

Response to Comment ReO4a-8

The County disagrees that the location of the Project is inappropriate. The Project site is identified as PAMA in the Draft MSCP North County Plan, but as discussed further in Subchapter 2.3, Biological Resources, of the FEIR, these areas of the site do not substantially contribute to the conservation targets for the local area. Please refer also to 2018 Response to Comment ReI27-3 and, generally, Global Response: Res Judicata and New Information.

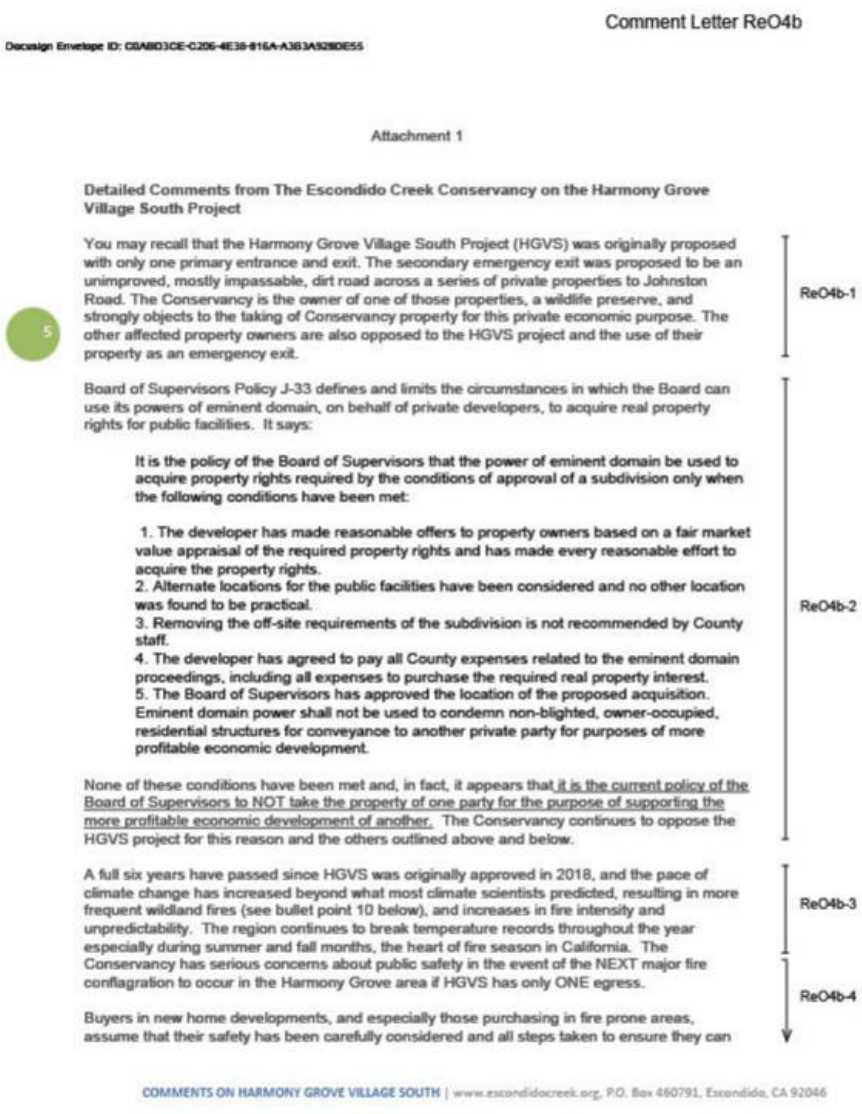
Response to Comment ReO4a-9

These comments address discussions held prior to adoption of the current General Plan, and community understanding of discussions at that time. These historical discussions provide context related to community perception of County planning actions but are not relevant to environmental analysis in the EIR, which addresses the General Plan as adopted and the proposed General Plan Amendment. No response is warranted.

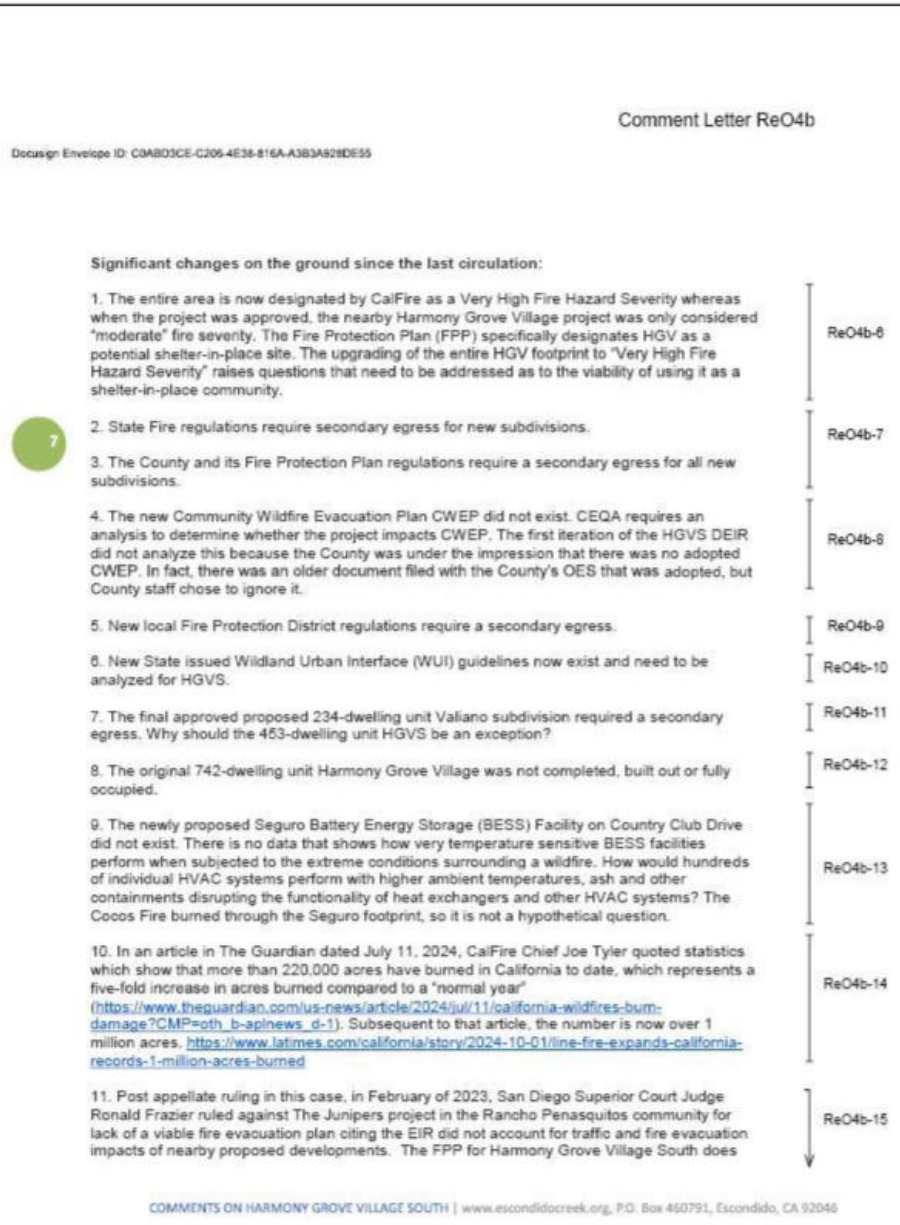
Response to Comment ReO4a-10

Project analyses assess both Project direct, as well as cumulative, impacts. Please refer to FEIR Section 2.3.3, Cumulative Impact Analysis, wherein Project contributions to cumulative impacts are assessed and mitigation discussed as relevant. The North County Draft MSCP is specifically addressed in Section 2.3.2.5, Policies, Ordinances and Adopted Local Plans. No significant impacts were assessed.

COMMENTS	RESPONSES
Comment Letter ReO4a Docusign Envelope ID: C8AB03CE-C206-4E38-816A-A3B3A528DE55 You have a choice. Continue the County's conservation legacy by saying no to Harmony Grove Village South or contribute to *Death by a Thousand Cuts* while undermining your own North County Multiple Species Conservation Plan. Thank you for your consideration. Please feel free to contact me at information@escondidocreek.org with any questions in this regard. ReO4a-11 Sincerely, 10/4/2024 Richard Murphy, Vice President, Board of Directors CC: Mr. Mark Slovick, Deputy Director County of San Diego, Planning & Development Services 5510 Overland Avenue, Suite 310, San Diego, CA 92123 Ms. Davia Lynch, Director of the Land Use and Environment Group COMMENTS ON HARMONY GROVE VILLAGE SOUTH | www.escondidocreek.org, P.O. Box 460791, Escondido, CA 92046	**Response to Comment ReO4a-11** Opposition to the Project is noted, is part of the administrative record, and will be before decision makers during consideration of the Project.

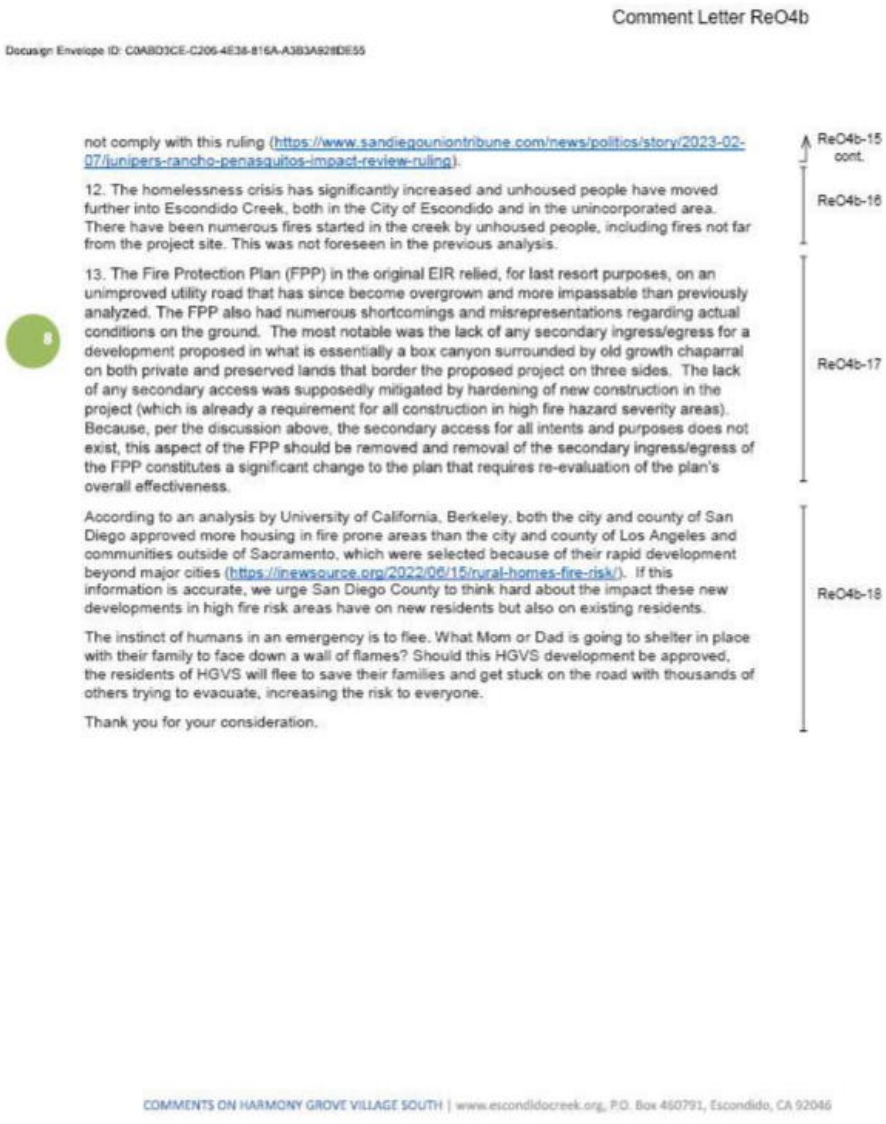
COMMENTS	RESPONSES
	**Response to Comment ReO4b-1** These comments reflect a misunderstanding of the EIR. The Johnston Road connection is not proposed as a secondary emergency exit. The Project retains access/egress via multiple points on CCD. While the FPP and EIR included an analysis of secondary access options, including connection to Johnston Road, it found that none of the options was feasible without improvements. As such, the Project never relied on Johnston Road as secondary access, and connection to Johnston Road was not considered a part of the FPP acceptance relative to dead-end road length code modification. Please refer to 2018 Global Responses: Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access, as well as Global Responses: 2024 Fire / Evacuation, and generally, Res Judicata and New Information. Potential direction to use the dirt road connecting to Johnston Road if emergency responders direct residents to do so was disclosed as being a possible occurrence, but would not be an action undertaken by the Project owners or HOA. No property would change hands and no "taking" would occur with a short-term use directed by professional emergency personnel. Please refer to responses to Comment Letter ReO2 for more discussion of this distinctly legal (as opposed to CEQA) comment. **Response to Comment ReO4b-2** Comments noted. If these comments apply to connection to Johnston Road, there is no application of eminent domain proposed. Please refer to Response to Comment ReO4b-1 of this letter. There is absolutely no proposal that residential structures would be conveyed as part of the Project. **Response to Comment ReO4b-3** The comment states that changing climate conditions are resulting in larger and more unpredictable wildfires that were not contemplated in the HGV South FEIR. Please refer to the FEIR's global responses (and specifically to 2018 Global Responses: Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access), as well as the accepted FPP (FEIR Appendix L) Section 4, which describes the extensive analysis of the fire environment at the

COMMENTS	RESPONSES
Comment Letter ReO4b Docusign Envelope ID: C8ABD3CE-C2D6-4E38-816A-A3B3A928DE55 evacuate quickly. The ability to evacuate in a timely and safe fashion is of utmost importance to both the community and the Conservancy. All residents expect that evacuation routes have been thoughtfully and responsibly planned and that they will be able to safely evacuate at a moment's notice. Yet, during the Cocos Fire, before the 742-home Harmony Grove Village community was built, evacuation via Harmony Grove Road was at a standstill. What is different now? 6 ReO4b-4 cont. *Evacuation from site of proposed HGVS project, at a standstill, Cocos Fire 2014* The developer of the proposed HGVS project is assuming the residents of the HGVS development and the existing 742 families living in Harmony Grove Village (HGV) will both be able to safely and quickly evacuate in an emergency. That assumption is irresponsible and dangerous. In the case of the HGVS development, the emergency evacuation route proposed by the developer (but opposed by the underlying property owners) is impassable to 2WD vehicles and only traversable with 4WD vehicles at very slow speeds. It is malpractice to approve a project without legally acquired proper secondary access that will allow for safe evacuation of any new residents without impinging on the evacuations of existing residents. It is every developer's obligation to identify, acquire from willing sellers and permit viable and safe secondary access for every development. If they cannot do that, the development should not be allowed to proceed. ReO4b-5 COMMENTS ON HARMONY GROVE VILLAGE SOUTH | www.escondidocreek.org, P.O. Box 460791, Escondido, CA 92046	site along with the fire behavior modeling that would be anticipated. Please also refer to Global Response: 2024 Fire / Evacuation discussion "Climate Change Effects," as well as Res Judicata and New Information. **Response to Comment ReO4b-4** The comment suggests that the Project has only one egress. This statement is inaccurate and also ignores the fact that the Project provides a system of design features, additional road capacity, and contingency plans should evacuation be considered less safe than remaining on site. The Project was deemed to include three egress points to CCD and then multiple evacuation routes at the short distance to the HGR connection. Please refer to Global Response: 2024 Fire / Evacuation for information on changed road conditions since the 2014 Cocos Fire, addressal of evacuation traffic being at a "standstill," as well as testimony provided by fire managers at 2018 hearings. The comment also provides opinions regarding homebuyer expectations that ignore the significant evaluation and review provided for the HGV South Project. Again, refer to Global Response: 2024 Fire / Evacuation for discussion of the careful consideration given the Project that led to the consensus that the Project could safely evacuate. **Response to Comment ReO4b-5** The comment provides opinion and inaccurately characterizes Project features and details regarding secondary access road use during evacuation. Please refer to Response to Comment ReO4b-4. Also, it is speculative to assume that HGV and HGV South residents would be evacuated simultaneously as other areas during a wildfire. In fact, following build out, the HGV and HGV South sites would both function as large fire breaks on the landscape, and depending on direction from emergency responders, would offer options for evacuees other than fleeing the area (see 2018 Global Response: Adequacy of Emergency Evacuation and Access, as well as Global Response: Res Judicata and New Information).

COMMENTS	RESPONSES
	**Response to Comment ReO4b-6** The comment suggests that changes on the ground should require a re-analysis of the Project's fire safety based on changes to Cal FIRE-identified VHFHSZ near HGV South. Refer to Global Responses: Res Judicata and New Information and 2024 Fire / Evacuation, as well as Responses to Comments ReO3-16 and -36. **Response to Comment ReO4b-7** The comment states that state and County regulations require secondary egress for new subdivisions. This is incorrect. Secondary access is one response, but not the only response, to dead-end road length requirements. Please refer to 2018 Global Responses: Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access regarding secondary access review and to Global Response: 2024 Fire / Evacuation regarding comparison of 2018 FEIR analysis requirements with current standards. Please also refer to Global Response: Res Judicata and New Information. **Response to Comment ReO4b-8** The comment references a "CWEP" as not having been completed at the time HGV South was approved and is therefore new information. For clarification, there is no completed "CWEP." There is a Community Wildfire Protection Plan (CWPP) and an older Community Protection and Evacuation Plan (CPEP). It is not clear which of these the CWEP is referencing. It is assumed that the CWPP is the reference as it includes general evacuation information along with other fire hazard reduction analysis. Please refer to Global Response: 2024 Fire / Evacuation for discussion of the CWPP as it relates to the Project. **Response to Comment ReO4b-9** The comment suggests that new local fire protection district regulations require secondary egress. This is incorrect. The Rancho Santa Fe Fire Protection District (RSFFPD) follows the same Code requirements as most County fire agencies. From the 2023 County Consolidated Fire Code adopted by RSFFPD) the fire code official can (note that wording does not read "must") require additional access, depending on a number of considerations including location,

COMMENTS	RESPONSES
	population size, terrain, or other factors. Consideration of those same factors allows the fire code official to make alternative conclusions, as occurred for HGV South. **Response to Comment ReO4b-10** The comment indicates that the California Office of Planning and Research WUI Guidelines need to be analyzed against HGV South. For clarification purposes, please see the matrix in Global Response: 2024 Fire / Evacuation for Project comparison against these guidelines. It is consistent with them in all regards. **Response to Comment ReO4b-11** The comment questions why the Valiano project required secondary egress, but HGV South did not. Please note that it is not secondary access which is required, but appropriate and safe responses to the threat of fire which each project must provide. Secondary access can comprise one element responsive to safety concerns. Each project site, however, is unique with varying constraints, opportunities, and potential approaches. Valiano's secondary access to La Moree Road was an opportunity that was deemed feasible in terms of engineering and property access and therefore, became a part of the Project's requirements. HGV South's approach provides the same practical effect as secondary access and therefore, by definition, results in an equivalent level of safety. Refer to Response to Comment ReO4b-1. **Response to Comment ReO4b-12** The comment states that HGV was not built out at the time of HGV South approval. No question was posed, and it is not possible to provide a precise response. It is noted, however, that an assumption that HGV was built out was expressly assumed where this would provide the greatest analytical clarity. Refer to 2018 Global Response: Baseline Conditions for discussion. The San Diego County Sheriff's Department indicated they were confident that the entire area could be safely evacuated. Refer to Global Response: 2024 Fire / Evacuation.

COMMENTS	RESPONSES
	Response to Comment ReO4b-13 The comment states that the AES BESS project on CCD was not proposed at Project approval in 2018. Please refer to Global Response: 2024 Fire /Evacuation discussion "Potential New Projects in the HGV South Vicinity," which addresses the BESS site. **Response to Comment ReO4b-14** The comment cites CAL FIRE 2024 acres burned, which in July was an increase in acres burned compared to a "normal year." It is not known what the commenter intended with the statement, as no question or statement to elicit response was provided. For informational purposes, however, it is noted that while the number of acres burned in 2024 may be higher than a "normal" year, it is not uncommon for there to be large swings from year to year. The acreage burned as of July in 2024 is far less than other years and may have many influencing factors, including fire location and use of that fire to provide forest clearing in a modified prescribed burn method that uses an ignited fire for fuel load reduction purposes. Often, two or three large wildfires can account for the majority of acres burned above the "normal" amount and these years can be followed by very low acreages in subsequent years. According to CAL FIRE's Incident Archive, (Fire Season Incident Archive | CAL FIRE) The number of acres burned each of the last 10 years varies widely and it is difficult to determine trends: 2024 (to 9/12/2024): 978,000 acres 2023: 333,000 acres 2022: 331,000 acres 2021: 2,569,000 acres 2020: 4,304,000 acres 2019: 277,000 acres 2018: 1,975,000 acres 2017: 1,600,000 acres 2016: 670,000 acres **Response to Comment ReO4b-15** The comment compares HGV South with the Junipers Project in the City of San Diego, stating that the Junipers ruling held that project did not account for neighboring development, and that the HGV South FPP was similarly

COMMENTS	RESPONSES
	deficient. The comment is incorrect. HGV South accounted for the existing homes that would rely on the same portion of CCD. There are approximately 60 residences south and west of the Project, all taking access from CCD. The FPP and its evacuation evaluation included those residents in the calculations for determining if there would be a deleterious effect from the Project. Additionally, the Project's FPP considered these adjacent residents when determining various improvements to CCD, such as providing a third travel lane and providing an elevated and wide bridge over Escondido Creek, which has historically flooded on an annual basis, making access to CCD south of the existing Arizona crossing unpassable. These beneficial improvements are considered very important by the RSFFPD, which can currently have trouble responding to medical emergencies. Once evacuees reach HGR, they can be directed west, east, or north, depending on qualified emergency personnel direction. It is speculative to try to project exact scenarios for those directions when the potential for exact scenarios is infinite due to emergency specifics. **Response to Comment ReO4b-16** The comment indicates an increase in unhoused people causing an increase in fires within Escondido Creek. Please refer to the FEIR's FPP for details and note that analyzing worst-case wildfire conditions and determining what features and measure would mitigate potential fire effects is a primary objective of FPPs. As such, the analysis does not rely on the number of fire starts. Rather, it is anticipated that fire starts will result from various sources and in various locations, as well as under worse-case weather conditions. This approach results in a project that is hardened substantially and appropriately to perform well against the largest and most aggressive wildfires. **Response to Comment ReO4b-17** The comment re-states misconceptions stated earlier in this letter regarding the Project's discussion of secondary access. Please refer to Responses to Comments ReO4b-1 and -9. The Project's FPP accurately characterized the site's location and fire environment and based on those findings, developed a fire protection system that: (1) incorporated the highly fire ignition-resistant requirements found in California's highly restrictive fire and building codes; along with (2) additional measures that result in additional community fire

COMMENTS	RESPONSES
	hardening and enhanced protection. Please refer to the global responses cited in Response to Comment ReO4b-1 (specifically including Global Responses: Res Judicata and New Information under the heading "On-site Topography" regarding the incorrect assertion that the Project site is in a box canyon), and to 2024 Fire / Evacuation for additional details regarding the site, its fire hazard assessment, and its approach to designing a fire-adapted community. **Response to Comment ReO4b-18** The comment opens with an opinion on housing approvals, and a request for County consideration of the issue. This is not a comment on environmental analyses in the EIR, and no response is required. The comment then suggests people will leave and not shelter in place when directed to do so by emergency personnel. This is not evidenced by research which indicates that when provided information by a credible source, people will largely follow directions. Orderly movement of people is the result of planning, training, education, and awareness, all of which are promoted in San Diego County and by RSFFPD. As stated in Response to Comment O6-28 of the 2018 FEIR, social science research literature indicates that reactions to warnings follow certain behavior patterns that are defined by people's perceptions (Aguirre 1994, Drabek 1991, Fitzpatrick and Mileti 1994, Gordon 2006, Collins 2004) and are not unpredictable. In summary, warnings received from credible sources by people who are aware (or have been made aware) of the potential risk, have the effect of an orderly decision process that typically results in successful evacuation. This success is heightened when evacuations are not foreign to residents (Quarentelli and Dynes 1977; Lindell and Perry 2004) as will occur within the HGV South Project. Further, it would be anticipated that law enforcement and/or fire personnel would be on site to help direct traffic and would be viewed by evacuees as knowledgeable and credible.

COMMENTS	RESPONSES

Comment Letter ReO5a

From: Douglas Dill <theddills@att.net>
Sent: Monday, October 7, 2024 10:00 AM
To: Lorenzana, Bianca
Cc: Susan Williams; Philip Fisch; Kent Lorraine; Joe Zagara; Laurel Lemarie; Beth Nelson; Don Willis; Nicolas Christenfeld; Sharon Neben-Fogg; Jennifer Callow; Thomas Velky
Subject: [External] SDPG Comments - PDS2015-GPA-15-002 HGVS- EIR Recirculation (1 of 2)

San Dieguito Planning Group

Ms. Lorenzana

The San Dieguito Planning Group requests to comment on any portion of the EIR where new information or changed circumstances will result in environmental harm that has not been addressed. ReO5a-1

Since the original EIR was decertified and the County BOS rescinded the approval of the project in its entirety, currently the applicant does not have a vested right or other entitlement to the subject property. The SDPG believes that the County has 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 the earlier EIR is decertified and revised. It also does not prohibit the County from reaching a different conclusion about whether the project's benefits outweigh its significant environmental harms. ReO5a-2 ReO5a-3

Based on this reasoning, the SDPG are resubmitting our original comments:

San Dieguito Planning Group Meeting
April, 5, 2018
Item 6A - Harmony Grove Village South includes a General Plan Amendment (PDS2015-GPA-15-002), a Specific Plan (PDS2015-SP-15-002), a Rezone (PDS2015-REZ-15-003), a Tentative Map (PDS2015-TM-5600), a Major Use Permit (PDS2015-MUP-15-008), and a draft Habitat Loss Permit (PDSXXXX-HLP-XXX).

Motion: RECOMMEND DENIAL as presented because it does not meet the criteria for conformance with LU 1.4 (shown in *italics* below; please note *all* four criteria must be met) nor with those for a General Plan Amendment (GPA) and is inconsistent with General Plan Guiding Principles. ReO5a-4

"Potential Village development would be compatible with environmental conditions and constraints, such as topography and flooding."

■ **NOT COMPATABLE**. The Harmony Grove Village South (HGVS or Project) property lies within an area statutorily designated State Responsibility Area "Very High Fire Hazard Severity Zone," by CAL FIRE and recognized by the County of San Diego and RSFFPD (From the Dudek 2016 Fire Protection Plan for HGVS). The expansion area is constrained by a 3-sided topographic "bowl" formation surrounded by steep slopes in a floodplain traversed by Escondido Creek. Although this is a very high fire risk area there is only one possible ingress/egress road, necessitating a waiver in **Fire Safety Regulations** for an expansion. Country Club Drive, the only safe evacuation route, regularly floods, with two recorded deaths from storm water surges. A main arterial, Harmony Grove Road, is narrowly constrained by Escondido Creek tributaries, rocky slopes, and unmaintained fuels/vegetation, making it nearly impossible to widen. Thus, the expansion is inconsistent with

1

Response to Comment ReO5a-1

Comments noted. New information related to the Project was provided in the August 22 through October 7, 2024 recirculation of FEIR Subchapter 2.7, *Greenhouse Gas Emissions*, and the associated *Global Climate Change* Report, as well as a detailed Readers Guide which addressed incorporation of affordable housing compliant with the County General Plan and California Health and Safety Code Sections 50052.5 and 50053. The new information did not result in identification of any new environmental harm, but was provided due to changes to proposed Project Conditions of Approval (a revised mitigation measure and commitment to affordable housing). Please also refer to 2025 Global Response: Res Judicata and New Information.

Response to Comment ReO5a-2

Comments noted. The comment is correct that the Applicant does not currently have vested rights to develop and that the Board of Supervisors (Board) has the discretion to approve or deny the Project. While the commenters are correct in that the Board has the discretion to determine if a project is consistent with its General Plan, if the Board were to subsequently approve the Project, finding it consistent with the General and Community Plans, its decision would be governed by res judicata in that the same issues related to consistency could not be raised again. (Atwell v. City of Rohnert Park [2018] 27 Cal.App.5th 692.) Please refer to Global Response: Reconsideration of General Plan Consistency Determination. It is noted that new regulations and potentially changed conditions have been fully evaluated in global and individual responses to comments received on the RFEIR and no change to 2018 CEQA conclusions is required. A current County decision on Project approval and RFEIR certification will be considered by the Board.

Response to Comment ReO5a-3

Comments noted. A Statement of Overriding Considerations prepared pursuant to CEQA Guidelines Section 15093 would be required to be adopted if the RFEIR is certified by the Board. However, it is noted that there are no new, significant impacts identified by the RFEIR compared to those identified by

COMMENTS	RESPONSES
Comment Letter ReO5a **General Plan Goals** that include avoiding development in areas susceptible to geologic, wildfire, or flooding risks, and **Guiding Principle 5,** which states that "In high risk areas, development should be prohibited or reduced in type and/or density." *"Potential Village development would be accommodated by the General Plan road network."* ■ **NO IMPROVEMENTS TO ROAD NETWORK**. The expansion will create significant and unmitigable impacts to area roadways and intersections. The existing road infrastructure consists of 2-lane rural roads without shoulders, subject to flooding, mud slides and closures during the winter months and surrounded by high fuel sources. The unclassified road, Country Club Drive, was originally a private quarry utility road and some segments do not have County easements. According to the Wildland Urban Interface Fire Emergency Plan recently commissioned by CAL FIRE, Country Club Drive is the only safe evacuation route without caveats for the entire area, and that would be reduced from a Level of Service A to a Level of Service F by a village expansion. The proposed mitigation for the lack of a secondary access and for the excessive dead-end road length in this expansion provides no off-site improvements that would facilitate evacuation for area residents, which will increase risk of fatal entrapment should the single safe evacuation route be obstructed. This is inconsistent with the **General Plan** that requires that a GPA must not be detrimental to public health, safety, and welfare. *"Public facilities and services can support the expansion without a reduction of services to other County residents."* ■ **INCREASED BURDEN ON EXISTING INFRASTRUCTURE WILL REDUCE QUALITY OF SERVICES.** Because this village expansion is not adequately served by the General Plan road network and there are no public transportation services, the resulting increase in traffic congestion to levels of service F will result in other County residents experiencing excessive wait times for public facilities or services. Because the Project's excessive greenhouse gas emissions will be mitigated by purchasing distant, off-site carbon credits, local air quality will be decreased and local environmental impacts will be increased, burdening other County residents. The expansion will strain the area's public school system (San Pascual HS is already over capacity) requiring area schoolchildren to use mobile classrooms. It will require the creation of growth-inducing sewage treatment facilities that will increase the risk of more high-density urban sprawl. The increased density will require a greater portion of the area's dwindling water reserves and will require more intense water restrictions in times of drought for other County residents, who are not allowed to use the project's recycled water. *"The expansion is consistent with community character, the scale, and the orderly and contiguous growth of a Village area."* ■ **INCONSISTANT WITH COMMUNITY CHARACTER.** The project proposes amendments to the **Community Plan** that significantly alter the development objectives incorporated therein to manage growth. One amendment eliminates the reference to the unique consensus agreement that was reached between the community and the County that allowed the creation of Harmony Grove Village. This negotiated Village was designed to accept population growth while using the Community Development Model to establish rural buffers to prevent urban sprawl. However, the amendment removes the word "negotiated" from the following excerpt that specifically addresses the possibility of expansion: "*In addition, non-resident land speculators have purchased local undeveloped land in the hopes that General Plan Amendments allowing higher density will be adopted by the Board of Supervisors. Residents will continue to work to preserve this historic 100-year-old community by implementing the Village Development Pattern that was negotiated.*" The phrase "consistent with General Plan policies" was substituted. There is no justification for eliminating this unique 2 ReO5a-4 cont.	the 2018 FEIR. Refer to Global Response: Reconsideration of General Plan Consistency Determination. **Response to Comment ReO5a-4** The comments provided as Comment ReO5a-4 of this letter resulted from the April 5, 2018 San Dieguito Planning Group meeting and were part of the Staff Report (Attachment K) provided for the May 24, 2018 Planning Commission hearing on the Project and part of the Supporting Documentation (Attachment A-8) provided to the Board prior to the July 25, 2018 Board hearing during which the Project was approved. The comment does not raise any new issues that would require additional response. No new information has been provided that requires further discussion. Please refer also to 2018 Responses to Comments O1-1 through -32 for responses to the June 19, 2017 comments submitted by the San Dieguito Planning Group, together with the 2018 global responses referred to in them related to LU-1.4, Project evacuation, and consistency with community character raised in 2018 Comment O1-2. It is also noted that the 2018 FEIR fully addressed significant impacts to road segments and intersections and identified mitigation as appropriate. School capacity, as well as growth inducement also were addressed in the 2018 EIR. GHG was the topic of recirculation. Please also refer to Global Response: Res Judicata and New Information.

COMMENTS	RESPONSES
Comment Letter ReO5a compromise from the historical record in the Community Plan, especially when residents are hoping that the County will remember that the very scenario embodied in the HGVS project is exactly what the residents have most feared, and why they entered into this negotiation with the County. This negotiated development pattern resulted in the original **Community Plan Map** and is protected by County planning tools such as the Village Limit line, the restriction on expansion of the HGV sewage treatment plant, and **CP Policy LU-2.2.1** *Ensure that the number of urban residences does not greatly exceed that of the rural residences in the greater unincorporated communities of Harmony Grove and Eden Valley.* Because the Community Plan *specifically prohibits* this expansion, the Project's attempts to amend the Community Plan are simply an avoidance of its own inconsistencies. This is incompatible with **GP LU 2.4,** which requires projects to reflect the development objectives for a community plan area. The scale of the expansion is inconsistent because it will eliminate the carefully constructed urban-rural balance documented in the Community Plan that was created to manage Village development. This is contradictory to **General Plan Guiding Principle 10**, which recognizes that unincorporated rural communities "contribute to a high quality of life distinct from the urbanized environment of coastal San Diego" and stipulates that "as growth continues, development must be managed to protect these assets." Finally, the expansion does not create an orderly and contiguous growth of the Village area because it introduces multifamily units that are far denser than the single-family units of the Harmony Grove Village core area, and does so beyond the largest, horse-keeping lots that form the rural buffer area of the original village. Thus, the expansion is not in conformance with the gradually decreasing density required in the **General Plan Community Development Model**. Sincerely, Douglas Dill Chair - SDPG ReO5a-4 cont.	

COMMENTS	RESPONSES

Comment Letter ReO5b

From: Douglas Dill <theddills@att.net>
Sent: Monday, October 7, 2024 3:40 PM
To: Lorenzana, Blanca
Cc: Susan Williams; Philip Fisch; Kent Lorraine; Joe Zagara; Laurel Lemarie; Beth Nelson; Don Willis; Nicolas Christenfeld; Sharon Neben-Fogg; Jennifer Callow; Thomas Velky
Subject: [External] SDPG Harmony Grove Village South Recirculated EIR Comments (2 of 2)

SAN DIEGUITO PLANNING GROUP
P.O. Box 2789
Rancho Santa Fe, CA, 92067

October 7, 2024

RE: Harmony Grove Village South Recirculated EIR Comments

Ms. Lorenzana,

The San Dieguito Planning Group requests to comment on any portion of the EIR where new information or changed circumstances will result in environmental harm that has not been addressed. ReO5b-1

Since the original EIR was decertified and the County BOS rescinded the approval of the project in its entirety, currently the applicant does not have a vested right or other entitlement to the subject property. The SDPG believes that the County has 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 the earlier EIR is decertified and revised. It also does not prohibit the County from reaching a different conclusion about whether the project's benefits outweigh its significant environmental harms. ReO5b-2 ReO5b-3

REIR Comments:

In-Fill Analysis

The 'In-Fill' analysis is flawed, it relies on inaccessible driveway intersections on private property, 90 degree turns of an individual road, and a driveway network on the private Harmony Grove Spiritual Church campus as a measurement of intersection density. For these reasons, the intersection density threshold cannot be met. ReO5b-4

In-fill analysis requires a household density of 425 housing units per square mile. When taking into consideration of HGV and HGVS, the density become 1,189 total units. That is 764 more dwelling units necessary to meet the threshold. Why is the County forcing HGVS's very-high density, 453 DUs in an area well above the minimum threshold that is in a very-high severity fire hazard zone? ReO5b-5

EIR Greenhouse Gas (GHG) analysis and mitigation

Please provide analytics that provide measurable performance standards that verify the project GHG mitigation is in fact offset the GHG impacts generated by the project. ReO5b-6

1

Response to Comment ReO5b-1
Refer to Response to Comment ReO5a-1.

Response to Comment ReO5b-2
Refer to Response to Comment ReO5a-2.

Response to Comment ReO5b-3
Refer to Response to Comment ReO5a-3.

Response to Comment ReO5b-4
Although no longer relevant because of the recent Court of Appeal's VMT decision, the Infill Analysis found that the Project would be consistent with the County's infill requirements. To be clear, the Project is not relying on an exemption from the TSG based on the Infill Analysis and the Project's election to prepare an Infill Analysis does not change the fact that the Project is not required to prepare a VMT analysis. In any event, the comment opines that the intersection density threshold in the Infill Analysis cannot be met, based on characterizations of intersections as variously inaccessible, private, and/or containing 90 degree turns. To clarify, the Infill Analysis identifies intersections based on definitions per County standards and guidance, including County of San Diego Standards for Private Roads. Based on County definitions and guidance, the intersections in the Infill Analysis, including intersections along private roadways and those with 90-degree turns, are considered intersections. Further, intersections identified and included within the Infill Analysis were reviewed and approved by the County. Therefore, the intersection density analysis was correct with respect to its guidance, and the Project met the intersection density threshold for an infill area.

Response to Comment ReO5b-5
Please refer to Response to Comment ReO5b-4 (immediately above) regarding lack of relevancy and the Appeal Court decision, as well as the fact that the Project is not relying on an exemption from the TSG based on the Infill Analysis and the Project's election to prepare an Infill Analysis does not change the fact that the Project is not required to prepare a VMT analysis. In

COMMENTS	RESPONSES

Comment Letter ReO5b

The resulting GHG mitigation should benefit the immediate Harmony Grove community impacted by this development. Not an industrial park or other commercial structures in Otay Mesa or other distance County locations. ReO5b-7

The study does not take into effect that the project is isolated, surrounded on three sides by hundreds of acres of undevelopable open space and accessible by one secondary single lane dead-end road. There is a minimal amount the available jobs to sustain the income of a typical family that could afford a dwelling-unit in this proposed project. Basically, there are minimal jobs at this level in the immediate area. This will force extended commute times, congestion, and increased greenhouse emissions for HGVS residents seeking income sustaining jobs. Average distance to work will more likely be 10-25 miles each way to get to the high paying coastal job centers of Carlsbad, Vista, Del Mar Heights, UTC, etc. Not the 7.88 miles 'industry standard.' ReO5b-8

The County adopted the 2022 Transportation Study Guidelines (TSG) as a primary metric required for housing projects to provide vehicle miles traveled (VMT) analysis. Based on the County's own criteria, the specific area where HGVS is proposed is not exempt from TSG VMT analysis. ReO5b-9

The proposed project does not meet the County's own Climate Action Plan (CAP) as it is proposed to be built outside of an establish County rural village, the Harmony Grove Village GPA. ReO5b-10

Substantial Changes in the Area since the original EIR - Fire Safety Issues

There are no other major subdivisions in the Rancho Santa Fe Fire Protection District with only one entrance/exit. Harmony Grove Village, Ceilo, The Crosby, The Bridges, Fairbanks Ranch, Del Rio Downs, Rancho Santa Fe Farms, and others all have multiple egress. With all the concern for wildfire safety today, it is egregious to propose a high-density, 452 dwelling unit subdivision surrounded by hundreds of acres of permanent wildland open space. ReO5b-11

The County must take into consideration current State, County and Community level Fire Protection Plans (FFP), Community Wildfire Protection Plans, Hazardous Mitigation Plans, Vulnerability Assessment and Adaption Reports that have been carefully prepared to protect the safety of all communities around the proposed HGVS. The FEIR's significance standard states that wildfire impacts are significant if the Project "cannot demonstrate compliance with all applicable fire codes. And these codes have been updated annually since the original EIR. To ignore them is a flagrant absence of responsible to land use planning governance. ReO5b-12

The emergency egress identified in the original EIR is impassable for any normal vehicle, regardless if it is an automobile, SUV, or pickup truck. A condition of allowing an easement on this emergency egress by the proposed HGVS developer or future residents does not exist. Making the concept of an emergency egress non-existant. ReO5b-13

The REIR 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. This will all lead up to substantially increased safety hazards to the entire community at large. ReO5b-14

Sincerely,

Douglas Dill

Chair - SDPG

2

any event, the household density threshold of 425 housing unit per square mile established for infill analysis in the TSG is a threshold for determining whether an area qualifies as an infill area for the purposes of VMT assessment. This is not a planning guideline for the proposed density of any lands in the County, including the Project area. The County is not "forcing" the Project into the proposed location; the County undertakes environmental analysis on specific land uses relative to different environmental topics.

Response to Comment ReO5b-6

The proposed mitigation measure M-GHG-1 provides a measurable performance standard for the capacity of required solar panel installation stating:

> *[s]olar panel(s), capable of generating a total of 1,720 KW, shall be installed on an existing building(s) that does not currently utilize solar energy, located within the County of San Diego, that is not otherwise required by law or regulation through statute, regulation, existing local program, or requirement to install such solar panels.*

This solar panel capacity is based on the anticipated GHG emissions of the proposed Project, which are detailed in RFEIR Subchapter 2.7, *Greenhouse Gas Emissions*, and the associated *Global Climate Change* Report.

Response to Comment ReO5b-7

It is important to recognize that GHG emissions are cumulative and impact the environment on a global scale rather than within a localized area. The mitigation strategy provided in the RFEIR aims to minimize overall GHG emissions within the County efficiently by installing solar panels on larger roofs than are available on residential buildings. The proposed mitigation measure would reduce Project GHG emissions to net zero, thereby contributing to the ability of the County of San Diego to meet its climate goals, which benefit all communities in the County.

COMMENTS	RESPONSES
	Response to Comment ReO5b-8 The Project is not isolated. It is edged on the south by permanent set-aside open space (Del Dios Highlands) and along the southeastern boundary by scrub habitat. The northeastern boundary, however, has some current homes. The northern boundary is edged by narrow Escondido Creek, Harmony Grove Road (HGR), and Harmony Grove Village property containing a water reclamation facility, homes and park space. The western boundary contains existing homes on the southwest edge, and then Country Club Drive (CCD) all along the more northerly western boundary, with property identified for development (currently non-native grasslands) and County park to the west of the CCD. The average trip length used in the GHG analysis is based on the trip length analysis in the 2018 FEIR (refer to Appendix C to 2018 FEIR Appendix J), which considers Project-specific factors. While the conclusion of the trip length study (7.88 miles per trip on average) is consistent with the default trip length of 7.9 miles that was noted in the trip length study, the comment is incorrect in suggesting that the GHG analysis considers an "industry standard" trip length. It is further noted that the average trip length does not indicate that each individual residing within the Project would drive this distance to work. Rather, on average, this trip length applied to the total Project ADT with consideration of pass-by and diverted trips results in the Project's total VMT. Some trips would be shorter and some would be longer. As detailed in Appendix C to 2018 FEIR Appendix J, Project-specific model adjustments were considered in order to calculate Project VMT, Project ADT, and ultimately to arrive at the average trip distance of 7.88 miles as applicable to the Project location. Therefore, this trip length is specifically appropriate for the Project location. Please also refer to the Global Response: Res Judicata and New Information, addressing the Court of Appeal finding that this analysis is adequate. Even though the California Court of Appeal has since held that the significance threshold related to infill development and small projects adopted for general use throughout the County was not supported by substantial evidence, it is worth noting for its own sake, that the job accessibility metric was considered in the Infill Analysis. For this specific location there are sufficient jobs available within the Project area. As shown in Figure 5 of the Infill Analysis,

COMMENTS	RESPONSES
	there is a high density of jobs located directly east of the Proposed Project site within the City of Escondido. As further noted in Table 1 of the Infill Analysis, the Proposed Project site has a very high job accessibility score of 44.49, which is well above the infill area standard of 12.73. Thus, the comment is incorrect in stating that there is a minimal number of jobs that would be available to Project residents. **Response to Comment ReO5b-9** Although no longer relevant because of the recent Court of Appeal's VMT decision, the Infill Analysis found that the Project would be consistent with the County's infill requirements. To be clear, the Project is not relying on an exemption from the TSG based on the Infill Analysis and the Project's election to prepare an Infill Analysis does not change the fact that the Project is not required to prepare a VMT analysis. **Response to Comment ReO5b-10** As described in RFEIR Subchapter 2.7, *Greenhouse Gas Emissions*, at the time of public review (August 22, 2024), no CAP or other applicable GHG emissions reduction plan was approved for the County. As such, the GHG emissions analysis did not tier from the CAP; however, it was noted that the Project would not conflict with the (then proposed) GHG reducing measures of the (then Draft) CAP Update. Further, the assertion that the Project conflicts with the CAP specifically as a result of its location outside of an existing village is incorrect. The CAP does not prohibit development outside of villages. In addition, the Project site is located adjacent to the existing village of HGV and, if the Project is approved, the HGV South expansion area will be designated with a Regional Category of Village. Refer to 2018 Global Response: Project Consistency with General Plan Policy LU-1.4 for further discussion of village expansion. **Response to Comment ReO5b-11** The specific methods by which other subdivisions comply with fire codes and regulations do not affect the findings of Rancho Santa Fe Fire Protection District (RSFFPD) related to the Project's compliance with applicable Fire

COMMENTS	RESPONSES
	Code provisions. Specific to HGV South, and Project design elements and improvements that would address fire safety in the Project area, please see the 2018 Global Responses: Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access. **Response to Comment ReO5b-12** Please refer to Global Response: 2024 Fire / Evacuation, which indicates that the Project is compliant with applicable fire and building codes existing at the time of Project approval (2018) and that the Project would comply with those codes that have been updated since the 2018 approval. The analyzed and justified dead end road length modification was granted because the RSFFPD determined that necessary findings related to life safety were met. The provision allowing modification given necessary findings remains an allowable action under the latest (2022) Fire Code, with differences identified in the global and discussion of Project consistency. Global Response: 2024 Fire / Evacuation also addresses the Project's consistency with other planning documents related to fire, including the Community Protection and Evacuation Plan and Community Wildfire Protection Plan. **Response to Comment ReO5b-13** It is assumed that the "emergency egress identified in the original EIR" refers to the access to Johnston Road. Please refer to the Global Response: 2024 Fire / Evacuation, which details how the Project did not depend on or consider the mentioned access route for determining safety impacts or for achieving the findings required for approval of the dead-end road length modification. Those facts notwithstanding, the Johnston Road connection was mentioned as a possible route qualified emergency responders could direct individuals to use during evacuation. No easement is proposed. Please refer to responses to Comment Letter ReO2. Please also refer to 2018 Global Responses: Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access addressing overall Project safety design measures that resulted in modification of dead-end road standards, and directly addressing how Project design features focused on CCD improvements, Project clustering, etc. supported Project safety findings. This was also expressly addressed by the Appellate Court.

COMMENTS	RESPONSES
	… the 2018 FEIR and its supporting wildfire-related studies do not ignore a scenario where evacuation routes become unusable. The EIR and fire plan evaluate "the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors," explaining that the Project adopted an alternative approach to implement fire protection and evacuation measures that meets fire code requirements…Widening Country Club Drive was not the sole method to lessen the risks. The Project clusters residential development to minimize proximity of homes to wildland fuels and create a defensible perimeter, and the Project proposes a contingency plan for moving people to temporary refuge locations such as homes or the clubhouse…To the extent respondents challenge those measures as inadequate or ineffective mitigation, we conclude that the board was entitled to choose to believe the fire officials who signed off on them. (See Laurel Heights, supra, 47 Cal.3d at pp. 408-409.) The EIR's conclusion that Project fire safety measures reduce fire hazards to a level of insignificance is supported by substantial evidence, namely the fire-related expert studies (Appellate Decision, pages 54-55). **Response to Comment ReO5b-14** The County disagrees that the EIR fails to adequately address environmental issues and that approval of the Project would substantially increase safety hazards for the community. Please refer to responses to specific issues provided above within this letter and to Global Response: Res Judicata and New Information.

COMMENTS	RESPONSES

SHUTE, MIHALY & WEINBERGER LLP

Comment Letter ReO6a

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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. ReO6a-1 ReO6a-2

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. ReO6a-3

Response to Comment ReO6a-1

The introductory remarks incorrectly note that the RFEIR did not correct the "inadequacies" of the 2018 FEIR for the Project. Contrary to this assertion, after several years of litigation, the California Court of Appeal, Fourth Appellate District, Division One (Appellate Court) found that the 2018 FEIR complied with CEQA except for one issue related to its GHG mitigation measure (see the matrix of 2018 EIR topics and legal resolutions in Global Response: Res Judicata and New Information). Consistent with this ruling, the 2024 Recirculated Subchapter 2.7 and Attachments correct the portion of the 2018 FEIR found non-compliant under CEQA as related to the GHG mitigation measure. The County also exercised its discretion to provide additional material related to GHG to update the information in Subchapter 2.7 of the 2018 FEIR, which was recirculated in the interests of public disclosure.

This is discussed further in the Global Response: Res Judicata and New Information. Refer also to specific discussion in Responses to Comments ReO6a-33 and -34. The only other issue identified by the Appeal Court was need for affordable housing, which is not an issue related to CEQA and is provided as a Project condition, required during Project implementation.

Response to Comment ReO6a-2

The commenter incorrectly states that there are "flaws" that need to be corrected. As stated above, all other issues, including wildfire and its related safety issues have been fully resolved and cannot be relitigated because res judicata bars such matters from further litigation. As the Appellate Court states:

> ***We conclude the EIR contains a CEQA-compliant discussion of the potential wildland fire risks or exacerbation caused by the Project and the fire risks in the Project's vicinity, and that substantial evidence supports its conclusion that the Project measures would reduce them to a level of insignificance*** (Appellate Decision, page 40 [emphasis added]).

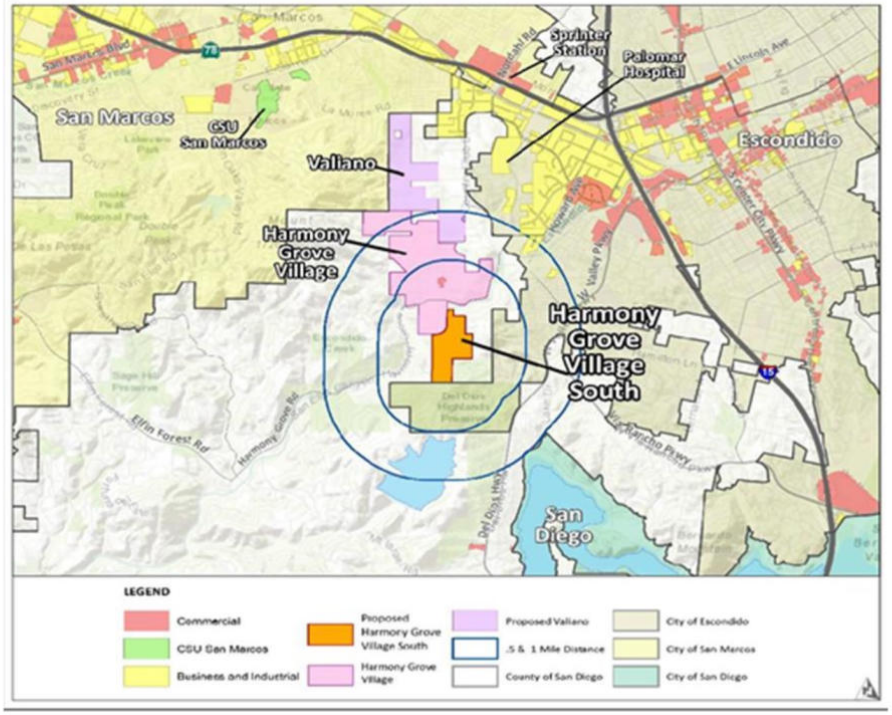
The commenter attempts to take a "second bite at the apple" by asserting that there is "new" information that requires reopening the same issues related to

COMMENTS	RESPONSES
	wildfire that the Appellate Court has decided after years of litigation. As explained in Global Response: Res Judicata and New Information, alleging new facts alone is not enough to void the application of res judicata; and open up issues that the courts have already resolved. The commenter must show the new information to be "material" or significant. The commenter here has failed to do so. As indicated in Response to Comment ReO6a-1, the County finds that the RFEIR complies with CEQA. Although no flaws requiring correction exist, for informational purposes, technical review for conformance of the Project with more recent documents has been undertaken. The Project is compliant. No violation of CEQA was found to occur within the 2018 FEIR related to wildfire or public safety; refer to Global Responses: Res Judicata and New Information, and 2024 Fire / Evacuation. **Response to Comment ReO6a-3** The commenter incorrectly asserts that the entire area around the Project being designated as very high fire severity is "new information," which would require the 2018 FEIR to reevaluate the fire safety of the community. As explained in Global Response: Res Judicata and New Information Section 8.7.1.5, the 2018 FEIR already considered the wildfire threat of the surrounding community (fire environment) based on an analysis of the specific on-the-ground conditions of the area that used the same factors that go into designating an area as a Very High Fire Hazard Severity Zone (VHFHSZ). This means that HGV's designation as a VHFHSZ would not have changed the evaluation of the fire hazards from what was analyzed in the 2018 FEIR. Therefore, this is not new information, nor is it material or significant. In other words, the 2018 FEIR, *Fire Protection Plan Harmony Grove Village South* (FPP), and *Wildland Fire Evacuation Plan for the Harmony Grove Village South Community* (Project Evacuation Plan) already analyzed the surrounding area around the Project in the same manner as if it was designated a VHFHSZ. The Appellate Court referenced this fact as follows: ***[t]he final EIR acknowledges that the Project lies within an area statutorily designated as a "Very High Fire Hazard Severity Zone," and that "[b]oth Elfin Forest and Harmony Grove are***

COMMENTS	RESPONSES
	rural communities in very high wildland fire threat areas. (Appellate Decision, page 4 [emphasis added]). Moreover, while CAL FIRE's FHSZ map can be utilized as a tool for quantifying the likelihood of severe wildfire behavior, it is incapable of addressing the many facets influencing risks to communities from wildfire. In other words, such maps tell only half the story and, therefore, cannot be used as an entire means of determining risks. CAL FIRE's website explains that the FHSZ maps evaluate "hazard," not "risks or impacts. Refer to Global Response: Res Judicata and New Information for additional discussion of the mapping update, which does not affect the FPP or FEIR conclusions. Regarding the Thomas Cova quote, the commenter is attempting to introduce yet another newly retained fire expert as "new information" to once again contradict the County's experts. Cova is a Utah-based researcher (who based on his input and report did not visit the site), provides an opinion that conflicts with local fire and evacuation experts from the San Diego County Sheriff's Department (SDCSD), San Diego County Fire Authority (SDCFA; now San Diego County Fire Protection District [SDCFPD]), fire professionals at Rancho Santa Fe Fire Protection District (RSFFPD), a County hired, independent, third-party fire safety consulting firm (Rohde & Associates), and a County-certified consulting firm with more than 20 years of experience in San Diego County (Dudek) who spent three years evaluating the Project, its fire environment, and needed fire protection and evacuation features. These local, on-the-ground technical specialists testified that they are comfortable with the Project and its safety as well as the finding that it can be safely evacuated along with other communities in the area. The provided Cova opinion does not include a comprehensive understanding of the area, the Project, the evacuation routes available (multiple available routes, not one) or the emergency management resources that are available during evacuations. The County is entitled to believe fire officials, who are experts by virtue of their jobs and years of experience, over the opinion of other experts that provide competing conclusions (Appellate Decision, pages 43 and 55). The Project's fire-related documents were reviewed by numerous professional fire

COMMENTS	RESPONSES
Bianca Lorenzana October 7, 2024 Page 2 Comment Letter ReO6a 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. ReO6a-3 cont. ReO6a-4 ReO6a-5 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. ReO6a-6 ReO6a-7 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. ReO6a-8 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. ReO6a-9 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 ReO6a-10 SHUTE, MIHALY & WEINBERGER LLP	prevention and protection personnel with hundreds of years of combined experience. Therefore, the county, relying on its fire officials, disagrees with Cova's contentions regarding the emergency accessibility of the project site and does not find his contentions to be material or significant. The issue of competing expert opinions was soundly decided by the Appellate Court (page 52): It is "**well established**" that even if respondents presented **"other experts' competing conclusions,"** that differing opinion **"does not make an EIR inadequate**." Further responses to the comments in the Cova letter are provided in responses to Comment Letter O6b. **Response to Comment ReO6a-4** The commenter's statement that the Board of Supervisors (Board) "adopted" the Fire Safe and VMT Efficient Alternative (Alternative) is somewhat misleading. When the Board adopted the CAP, they directed staff to "integrate" the Alternative into existing, ongoing planning efforts within Planning & Development Services, such as the Sustainable Land Use Framework. This would involve new technical studies, program development, outreach, and environmental review for the Alternative to be incorporated into the existing County programs and initiatives as a component (Statement of Proceeding, Minutes of the September 11, 2024, meeting of the Board). At this point, the integration and final form of the Alternative have yet to be finalized. Regardless, the County disagrees that denial would have been the only option consistent with the Alternative. The Alternative does not halt the development of areas outside of the Smart Growth Overlay. As stated in the DEIR for the CAP Update (2024:5-25): *Because of the limited geography within this area and because the County would not prohibit development of properties outside of the fire safe and VMT efficient overlay, it is assumed for the purpose of this analysis that half of the growth that would have occurred outside of the overlay would instead be developed in these areas.*

COMMENTS	RESPONSES
	Moreover, the assertion that the Project conflicts with the adopted CAP policies or the Alternative is incorrect and not factually supported (refer to Global Response: Reconsideration of General Plan Consistency Determination). The Project would attain net zero GHG emissions and would not conflict with the relevant proposed GHG reducing measures of the Draft CAP that was available at the time of Subchapter 2.7 recirculation, as was noted in the recirculation and which has not changed with the adoption of the CAP. Finally, as described in the 2018 Global Response: Climate Action Plan and reiterated in the recirculated Subchapter 2.7, the Project does not rely on CAP compliance as the threshold for the significance of GHG emissions impacts. **Response to Comment ReO6a-5** While it is noted that the Board retains the discretion to either approve or deny the Project, including the proposed General Plan Amendment, such decisions cannot be made arbitrarily, capriciously, or without evidential support.[1] With that in mind, the County prepared a detailed Project consistency analysis, which found that the Project was consistent with the policies of the General and Community Plans. Please refer to 2018 Global Response: Project Consistency with General Plan Policy LU-1.4 in Section 8.3.1, and to the HGV South Specific Plan, Section VI "General Plan Consistency Analysis." The commenter restates previously failed arguments that the Project is inconsistent with the County's policies that protect rural lands, prevent sprawl, and reduce wildfire dangers. Except for the issue of affordable housing, the courts have confirmed the County's findings that the Project is consistent with the General Plan, Community Plan, SANDAG's Regional Plan, and, in particular, the Community Development Model and Policy LU 1.4 (expansion of an existing village and specifically related to the issues of rural lands and sprawl). The County also disagrees that the Project would create a safety hazard, as documented throughout the FEIR. As such, the Board can make a decision based on the Project details, environmental analyses contained in the FEIR and associated technical studies, and other applicable planning documents on whether to approve or deny the Project. [1] No Oil, Inc. v. City of Los Angeles (1987) 196 Cal.App.3d 243.

COMMENTS	RESPONSES
	The County also disagrees with the commenter's characterization of the Project site as rural lands. The Project is located within biking distance (1-3 miles) from two cities (San Marcos and Escondido); over 100 retail stores (such as Target and Mile of Cars); educational, medical, job and dining/recreational opportunities (e.g., Palomar Medical Center, Stone Brewery, Escondido Research and Technology Center) and the Nordahl Transit Station.  Moreover, in deciding to approve the Project, the Board can consider the many benefits that were raised and previously considered during their prior approval. Refer to the 2018 Statement of Overriding Considerations and 2018 County Planning Commission staff report, which included the depiction of the Project area above and its proximity to adjacent development and urban uses. **Response to Comment ReO6a-6** Community concerns related to the Project are part of the administrative record and will be before decision makers during consideration of the Project. In short,

COMMENTS	RESPONSES
	the lack of net increase in GHG emissions would avoid significant effects related to climate change, and the Project meets safety standards, all based on extensive and detailed analysis. See also Responses to Comment ReO6a-5, and ReO1-5 and -8 with respect to the Project's location within biking distance of resources/amenities in two cities (San Marcos and Escondido). Lastly, no significant threat to the safety of existing residents would be created; refer to 2018 Global Responses: Fire Hazards Impact Analysis, Adequacy of Emergency Evacuation and Access, as well as Global Responses: 2024 Fire / Evacuation and Res Judicata and New Information. **Response to Comment ReO6a-7** The FEIR provides a thorough analysis of potential Project impacts on the site and its surroundings. The RFEIR specifically addresses the environmental portion of the 2018 FEIR determined not to be compliant with CEQA (the GHG mitigation measure). No change to the analysis of other issue areas is necessitated by the addition of mitigation measure M-GHG-1 requiring solar panel installation, or the affordable housing condition that would be placed on the Project to address the identified inconsistency with the County General Plan. Please refer to the Global Responses: Res Judicata and New Information, as well as Lack of Need to Recirculate. **Response to Comment ReO6a-8** This comment is misleading. No deficiency related to the GHG analysis methodology was found by the Trial or Appellate Courts; the only issue determined to be noncompliant with CEQA was related to the GHG mitigation measures. Specifically, GHG analysis and CEQA thresholds were determined to be adequate; please refer to Subchapter 2.7 of the RFEIR, and Global Response: Res Judicata and New Information for additional discussion of the Appellate Decision findings. As it relates to the new mitigation measure M-GHG-1 in recirculated Subchapter 2.7, the measure accurately identifies reductions in GHG emissions that would result from M-GHG-1 implementation, and such implementation would adequately mitigate projected Project impacts. Further discussion of these topics is provided where more specific questions have been posed in Responses to Comments ReO6a-26 through -37.

COMMENTS	RESPONSES
	Response to Comment ReO6a-9 The comment does not reference specific County safety, transportation, or climate change policies; therefore, it is assumed that this comment serves to introduce later specific comments related to such topics. As such, these issues are specifically addressed in later responses where the specific policies or conditions are raised by the commenter. Second, the commenter states that the Project presents greater wildfire and public safety risks than were acknowledged in the 2018 FEIR. Again, there is no specificity to this comment; therefore, this is addressed in later responses to such topics. Finally, please refer to Global Responses: Res Judicata and New Information, and Lack of Need to Recirculate. As detailed therein, no significant new information has been identified that would result in changes to the conclusions of the EIR and recirculation is therefore not required. Recirculation is not required simply because new information is added, or where "the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR" (CEQA Guidelines Section 15088.5[b]). Please refer to CEQA Guidelines Section 15088.5(a)(1)-(3) and to the Project Readers Guide in the discussion titled "Recirculation is Not Required." **Response to Comment ReO6a-10** As noted above, the Appellate Court found that the 2018 FEIR complied with CEQA except for one issue related to its GHG mitigation measure. (Please refer to the matrix of 2018 EIR topics and legal resolutions in Global Response: Res Judicata and New Information as well as Response to Comment ReO6a-1 above.) The commenters continue to advocate to redo portions of the 2018 EIR related to wildfire risk and evacuation that have been found compliant with CEQA by the Appellate Court (specific to wildfire, see Response to Comment ReO6a-3). They are rehashing the same issues that have been raised by the same parties to the original Petition against the same Project about the same EIR by attempting to rely on a new set of experts to once again contradict the County's experts on this issue even though this has been settled by litigation. Please refer to the Global Response: Res Judicata and New Information, as well as the Appellate Court's opinion on competing experts cited in Response to Comment ReO6a-3.

COMMENTS	RESPONSES
	Although the new CEQA Guidelines on VMT became effective in 2020 under SB 743, it does not constitute "new information" that would require further analysis. Refer to Global Response: Res Judicata and New Information and to Response to Comment ReO1-5 for rationale regarding this issue. Please note that the comment also inaccurately states that the Infill Analysis was used to avoid completing a VMT analysis. For the reasons outlined in Response to Comment ReO1-5, the Project is not required to comply with the County's 2022 TSG, including the requirement to prepare a VMT analysis or in this case, an infill analysis. Nevertheless, the Project prepared an Infill Analysis to determine if the Project also met the County's "infill" requirements, as outlined in Section 3.3.1 of the 2022 TSG. Although no longer relevant because of the recent Court of Appeal's VMT decision, the Infill Analysis found that the Project would be consistent with the County's infill requirements. But to be clear, the Project is not relying on an exemption from the TSG based on the Infill Analysis and the Project's election to prepare an Infill Analysis does not change the fact that the Project is not required to prepare a VMT analysis. Please also see responses to Comment Letter ReO6b for a response to Exhibit 1 ("Cova letter"), see responses to Comment Letter ReO6c for a response to Exhibit 2 ("Baseline letter"), and responses to Comment Letter ReO6d for a response to Exhibit 3 ("Lokahi memo").

COMMENTS	RESPONSES
  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. ReO6a-10 cont. **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**. ReO6a-11 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 ReO6a-12 [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. ReO6a-13 	**Response to Comment ReO6a-11** This comment confuses issues related to the Board's discretion to approve or deny a project with the principles of res judicata. While the commenter is correct in that the Board has the discretion to determine if a project is consistent with its General Plan, if the Board were to once again find the Project consistent with the County's General and Community Plans, its decision would be governed by res judicata. (Atwell v. City of Rohnert Park [2018] 27 Cal.App.5th 692.) The Court of Appeal in *Atwell* explicitly applied the principles of res judicata to claims related to CEQA and Planning and Zoning Law, holding that res judicata prohibits a legislative body's prior decision that a project was consistent with the general plan from being challenged in a subsequent action even when different findings were subsequently adopted. Except for the issue of affordable housing, the courts found the Project to be consistent with the General Plan, Community Plan, SANDAG's Regional Plan, and, in particular, the Community Development Model and Policy LU-1.4 (expansion of an existing village). Moreover, a detailed consistency analysis was prepared for the Project that found the Project consistent with the policies of the General and Community Plans. Refer to Response to Comment ReO6a-5. The commenter has previously put forward these contentions and they were not found convincing by the County in 2018 or the Court of Appeal, except for General Plan policy H-1.9, related to affordable housing. In any event, the Project will be before the decision makers for a decision on approvals, including the General Plan Amendment. **Response to Comment ReO6a-12** The Project is not located in a rural area of the County as stated in the comment. Please refer to Response to Comment ReO6a-5 regarding urban uses within 1-3 miles of HGV South. The County's fire experts, with over a hundred years of combined experience determined that the Project's location in a VHFHSZ would not expose future residents to substantial risk and the evacuation pattern would not result in unsafe conditions for existing residents of the area. In fact, the County Sheriff's Department during the public hearing before the Planning Commission indicated their confidence that they could safely evacuate the existing residents in the area with the residents of the HGV South Project

COMMENTS	RESPONSES
	(Planning Commission Hearing [https://sdcounty.granicus.com/player/clip/2657?view_id=12&redirect=true] comment at approximately four hours 37 minutes). The Project's FPP and Project Evacuation Plan were designed and analyzed to address the VHFHSZ fire environment within Harmony Grove Valley and surrounding landscapes. In addition, there are three egress points to Country Club Drive (CCD) proposed with the Project. The comment incorrectly states that the site would lack urban services and infrastructure. A fire station is located 1.3 miles from the most distant portion of HGV South, putting travel time to the most distant Project lot within 2 minutes and 50 seconds, which is well below the General Plan's 5-minute travel time standard. Information about other stations that could respond was provided in 2018 FEIR Section 3.1.8, *Public Services* on Table 3.1.8-2. The RSFFPD is responsible for providing emergency services to the Project. HGV South would be required to pay development impact fees pursuant to the County's Fire Mitigation Fee Ordinance, Section 810.301, et seq., to fund its fair share of the capital facilities and equipment needed to serve HGV South. Primary access to HGV South is provided by two roads, Mobility Element Harmony Grove Road (HGR) and non-Mobility Element CCD, which has also been improved in some areas to light collector standards. Please refer to 2018 Global Responses: Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access, as well as Global Response: 2024 Fire / Evacuation. **Response to Comment ReO6a-13** The Project proposes a General Plan Amendment, and the EIR evaluates potential environmental impacts associated with the specifics of the Proposed Project. In addition, while a land use designation change is proposed, in 2018 the County found that the Project would have a substantial overriding benefit related to regional planning because its location is well-suited for regional growth. The County also found that the Project is consistent with the County General Plan and would help meet a projected long-term regional need for housing. Refer to 2018 Global Responses: Project Consistency with General Plan Policy LU-1.4, and General Plan/Community Plan Amendments CEQA Impact Analysis, for further discussion of the Project's consistency with the

COMMENTS	RESPONSES
  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. ReO6a-13 cont. 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. ReO6a-14 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. ReO6a-15 **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. ReO6a-16 **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 ReO6a-17 	goals of the General Plan. In consideration of these factors, the Board can determine whether to amend the existing General Plan as proposed by the Project; refer also to Response to Comment ReO6a-15, below. **Response to Comment ReO6a-14** The comment is incorrect in stating the County cannot make the appropriate findings for Project approval. This is the same argument made in 2018 regarding the Project's consistency with its General and Community Plans. The County disagrees that the Project would be inconsistent with the fundamental policies of the General Plan; please refer to 2018 Global Responses: Project Consistency with General Plan Policy LU-1.4, and General Plan/Community Plan Amendments CEQA Impact Analysis, as well as Global Responses: Res Judicata and New Information, and Reconsideration of General Plan Consistency Determination. Refer to Responses to Comments ReO6a-90 through -94 below related to the 2022 Safety Element in particular. **Response to Comment ReO6a-15** The comment correctly summarizes the site's existing site zoning and alludes to County policies regarding refinement of development allowed under current zoning categories that take into account environmental constraints, including steep slopes. The current designation of the Project site is not relevant because the decision before the Board is whether to approve or deny a General Plan Amendment that would change the current designation of the site. The comment regarding steep slopes is not relevant to the discussion as the Project is largely out of steep slope areas and where encroachment could occur, was found appropriate based on detailed analysis approved in 2018, and no modification to footprint is proposed. Again, please review the concept of res judicata. Please refer also to Responses to Comments O3a-6 through -8 of your May 23, 2018 letter, which addressed the proposed General Plan Amendment. Finally, this comment raises the same argument that was made in 2018 by the same party in the Project's previous litigation. The petitioner unsuccessfully argued that future General Plan amendments that change the land use designation of a site should be prohibited, contradicting General Plan Policy LU-1.4, which allows for expansions to existing villages, or in Policy LU-1.2, which allows new villages to be established (refer to the 2018 FEIR, Sections

COMMENTS	RESPONSES
	8.3.1 (addressing Project consistency with General Plan Policy LU-1.4) and 8.3.2 (addressing both General Plan and Community Plan amendments). **Response to Comment ReO6a-16** With respect to the County's response to the writ of mandate for this project, it is well settled that the form used to correct deficiencies in an EIR is a matter for the local agency to determine on its own, absent a specific order by the court. As stated in Responses to Comments ReO1-2, above, and ReO6a-21, below, an order directing a local agency to set aside its certification of the final EIR does not mean an agency is required to start the EIR process all over again. Rather, a local agency can determine the appropriate way to correct the deficiency in the EIR before considering recertification of the EIR. The form of that correction is a matter for the local agency to determine. Moreover, whether an EIR requires recirculation prior to its certification, in whole or in part, is for that agency to decide based on the legal standards that govern recirculation of an EIR. (Protect the Historic Amador Waterways v. Amador Water Agency [2004] 116 Cal.App.4th 1099, 1112.) Per Public Resources Code (PRC) Section 21092.1, CEQA requires recirculation of an EIR, in whole or in part, when significant new information is added to the final EIR prior to its recirculation. CEQA Guidelines Section 15088.5(a) provides that new information is significant when the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon *a substantial adverse environmental effect* of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. Refer to Global Response: Lack of Need for Recirculation, for a table addressing each environmental topic in the FEIR. The County methodically examined the correction to the 2018 EIR that was needed to conform to the Appellate Decision to determine whether it would result in new or substantially more severe impacts than were disclosed in the 2018 EIR. The above-noted table demonstrates the County's review of the environmental analyses provided in the 2018 EIR and its determination that no further examination was required pursuant to PRC Section 21092.1 and CEQA

COMMENTS	RESPONSES
	Guidelines Section 15088.5. Moreover, the County considered the new information and changed circumstances that have been raised in the comments to determine whether further review of the Project would be required by the CEQA Guidelines. Both the table and the thorough examination provided in this response to comments demonstrate that the new information does not meet the criteria for recirculation set forth in CEQA Guidelines Section 15088.5. The County has determined that the changes fall within the scope of the initial environmental review of the 2018 FEIR, and a thorough assessment has confirmed that no new significant environmental effects are anticipated due to these modifications, aligning with CEQA Guidelines. Failing a new significant impact or changed conditions, CEQA does not require recirculation of previously approved analyses. The physical setting of the Project and its immediate surroundings has not meaningfully changed from conditions present in the 2018 document baseline discussion. Nor does the addition of an affordable housing component to the Project result in a physical impact to the environment. The few items that have changed since 2018 are addressed in this FEIR in new global responses. Regardless, the County did recirculate revisions to the GHG discussion, and the addition of an affordable housing condition in 2024. The County has also responded to numerous comments received on those items, as well as fire-related elements. Therefore, the approach taken by the County is consistent with the principles of res judicata and CEQA. (It is also noted, that in an effort to be as transparent and responsive as possible, the County has exceeded CEQA requirements and has provided responses to numerous comments outside the scope of the recirculation.) **Response to Comment ReO6a-17** First, the comment incorrectly states that the Appellate Court found the 2018 FEIR's GHG ***analysis*** inadequate. That is not the case; the Appellate Court ruled only that the previous GHG mitigation measures were invalid under CEQA because the measures did not provide reasonable assurance that GHG reduction would actually occur (Appellate Decision, page 33). Because courts are required to address each of the grounds of noncompliance with CEQA specifically, this means that the Project 2018 FEIR was found adequate in all respects except for the one issue determined by the Appellate Court as being noncompliant with CEQA (the GHG mitigation measure). This is consistent

COMMENTS	RESPONSES
  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. ReO6a-17 cont. **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. ReO6a-18 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 ReO6a-19 	with PRC Section 21005(c) directing courts to address each alleged ground of non-compliance. Thus, the County recirculated the revised GHG mitigation measure that the Court of Appeal found legally deficient. The County also updated Subchapter 2.7 and recirculated the entire GHG chapter (including GHG mitigation, and the associated technical report *Global Climate Change.* The recirculated information and the responses to comments also address whether there would be significant changes in other environmental analyses of the 2018 FEIR (e.g., visual, biology, traffic, hydrology, etc.). Finally, a discussion based on the mitigation measure's implementation was included, even though implementation is to be exempt from CEQA review (see Section 2.7.5.1, *Potential Subsequent Environmental Impacts Related to Mitigation Measure Implementation and CEQA Exemption* of recirculated Subchapter 2.7). See also Response to Comment ReO6a-16 regarding recirculation. **Response to Comment ReO6a-18** The commenter's reliance on Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 425 is misplaced with respect to its application or relevance to the Project. In *Laurel Heights* the EIR was found to be fundamentally flawed due to failure to include a significant aspect of their project; the anticipated future uses of a new biomedical research building in a residential area. In contrast, and with respect to the Project, after years of litigation, there is only one remaining CEQA environmental issue - the Project GHG mitigation measure. As explained in Response to Comment ReO6a-16, when a court has directed an agency to set aside certification of a final EIR, the agency is not required to start the EIR process anew, unless specifically ordered otherwise by that court (as was the case in *Laurel Heights*). The fact that a writ requires decertification of the entire EIR and nullification of related entitlements does not change this rule. (California Oak Foundation v. City of Santa Clarita [2005] 133 Cal.App.4th 1219, 1243; LandValue 77, LLC v. Board of Trustees [2011] 193 Cal.App.4th 675, 682 ["set aside the final certification of the EIR" but "take the action necessary to bring the water supply assessment in the EIR into compliance with CEQA"].)

COMMENTS	RESPONSES
	Response to Comment ReO6a-19 The comment references PRC Section 21166 and CEQA Guidelines Section 15162(a)(3) related to the preparation of subsequent EIRs and asserts that new information related to transportation and wildfire safety must be considered by the County before the Project's EIR can be recertified. However, new information as referenced under the cited sections applies only to new information that was not known and could not have been known "with the exercise of reasonable diligence" when the prior environmental review was completed. The new information must also be of "substantial importance." Finally, the new information must show any of the following: (1) the project will have significant effects not evaluated in the prior EIR or negative declaration; (2) significant effects previously examined will be substantially more severe than shown in the prior EIR; (3) mitigation measures or alternatives found infeasible are in fact feasible and would substantially reduce significant effects of the project but the project proponents decline to adopt them; or (4) mitigation measures or alternatives considerably different from those analyzed in the EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt them. Not only do PRC Section 21166 and CEQA Guidelines Section 15162(a)(3) not apply because there is no previous certified EIR for the Project, but none of the factors applies here. Please refer to Global Response: Res Judicata and New Information for detailed examination of the new information raised by this comment and the County's determination as to why no further consideration is needed.

COMMENTS	RESPONSES

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. ReO6a-19 cont.

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. ReO6a-20

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. ReO6a-21 ReO6a-22

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 ReO6a-23

Response to Comment ReO6a-20

Vested rights are not being asserted by the Project Applicant. This issue is immaterial to the case at hand. With respect to the comment that current laws, plans, facts, and circumstances have changed significantly in six years, no explanation is given regarding what these changes are or why these changes would be considered significant; therefore, it is assumed that this comment serves to introduce later specific comments related to such topics. As such, these issues are specifically addressed in later responses or in Global Response: Res Judicata and New Information. In any event, new facts or changes in the law must be "material" or significant so as to compel the conclusion that significant environmental effects will be different or more severe. (Citizens for Open Government v. City of Lodi [2012] 205 Cal.App.4th 296, 324-325. See also Atwell v. City of Rohnert Park, 27 Cal.App.5th at 701.) Thus, the County corrected the portion of the 2018 FEIR that was found noncompliant with CEQA; all other issues have been fully resolved, and res judicata bars such issues from further litigation.

Response to Comment ReO6a-21

The commenter contends that res judicata applies only to litigation, not to the CEQA process. But the courts have consistently determined this statement to be incorrect. In Ione Valley Land, Air, & Water Defense Alliance v. County of Amador (2019) 33 Cal.App.5th 165, the Appellate Court held that the agency was correct in recirculating the EIR only as to traffic issues, which was the only flaw the Trial Court had found in the EIR. In other words, the process of recirculating only those portions of the EIR found to be flawed was appropriate because only those sections should be subsequently revisited. The fact that a writ requires decertification of the entire EIR and nullification of related entitlements does not change this result. (California Oak Foundation v. City of Santa Clarita, 133 Cal.App.4th at 1219, 1243.)

Refer to Responses to Comments ReO1-2 and ReO6a-16 regarding lack of need for a local agency to start the EIR process anew, and that the form of correction, as well as need for recirculation, is a matter for the local agency to determine.

COMMENTS	RESPONSES
	The County disagrees with the contention that a local agency could simply decide to modify its prior decision concerning a project's impacts when the matter has been litigated and resolved by the courts, absent the circumstances specifically provided by CEQA (recirculation or subsequent EIR). Such actions would go against the principle that the judicial system is to provide finality, promote judicial efficiency, and protect against inconsistent judgments. Finally, the commenter's reliance on the ruling in Center for Biological Diversity v. Dept. of Fish & Wildlife (2017) 17 Cal.App.5th 1245, is misplaced as it does not apply in this instance.[2] **Response to Comment ReO6a-22** Refer to Responses to Comments ReO6a-5 and -11. The comments are correct; the Board will be required to decide whether to approve the Project. In approving the Project and certifying the EIR, a statement of overriding considerations would be required. **Response to Comment ReO6a-23** The cited quote from *Planning & Conservation League v. Castaic Lake Water Agency* is somewhat misleading. That case involved two separate EIRs about two separate water transfers (each considered a separate project). The court believed that res judicata would not prohibit claims regarding the second set of documents which was not the subject of the prior litigation. The court states: "Here, unlike the situation in Federation, the two actions address ***materially different EIRs,*** and therefore involve distinct causes of action." (id. at 229 [emphasis added]). The court also found that res judicata did not apply because [2] The Court of Appeal in that case held that where the court exercised continuing jurisdiction in an order that allowed the local agency to fix the project approvals that were related to the portion of the EIR that was decertified, res judicata was inapplicable. The court in such instance had the ability to modify the standing approvals if needed should fixing the remaining issues spill into the other approvals that were not set aside. "[A]nything that goes on with the [stickleback and greenhouse gas issues] spills over into these other approvals, then I would have to look at them again." (Center for Biological Diversity v. Dept. of Fish & Wildlife [2017] 17 Cal.App.5th 1259.)

COMMENTS	RESPONSES
Comment Letter ReO6a Bianca Lorenzana October 7, 2024 Page 7 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. ReO6a-23 cont. 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). ReO6a-24 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. ReO6a-25 *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. SHUTE, MIHALY & WEINBERGER LLP	the lawsuit was brought by parties who were not in privity with the prior suit. In contrast, here the commenter is repeating arguments that they presented to the Court as a petitioner, for which functionally changed circumstances have not occurred, and for which the Court of Appeal found against them. Their comments involve the same 2018 FEIR, the same project, and essentially the same set of circumstances. In such instances, the law is clear, alleging new facts alone is not enough to be considered a "changed condition" that would void the application of res judicata. The party must allege "changed" conditions that are actually "material" or significant. (Citizens for Open Government v. City of Lodi, 205 Cal.App.4th at 324-325. See also Atwell v. City of Rohnert Park, 27 Cal.App.5th at 701.) **Response to Comment ReO6a-24** The County agrees with the comment that res judicata does not apply to the portion of the FEIR that has been revised and that was circulated for public review. For the current Project, that means that comments are appropriate relevant to the GHG revised mitigation measure and associated analysis, including circulated technical documents. Refer to Response to Comment ReO6a-23 regarding inapplicability of the cited case law. It is not clear what specific "findings" are being referred to, but of course findings related to the portion of the FEIR that has been revised are not subject to res judicata. **Response to Comment ReO6a-25** Please refer to Response to Comment ReO1-2 and Global Response: Res Judicata and New Information. Please note, however, the commenter incorrectly states that the Court of Appeal in Sierra Club v. County of San Diego (December 21, 2021) (case No. 37-2018-00043084-CU-TT-CTL), involved the ***same project.*** This is incorrect, the *Sierra Club* case involved two projects: Valiano and HGV South. Beyond that, the issue involving severance and the associated quote referenced in the comment involved only the Valiano project and its request to fix its GHG measure <u>that would still require the purchase of offset credits</u>. (Refer to Response to Comment ReO1-2 regarding requested protocols for offsets outside San Diego County and the Appellate Court's disagreement, based in part on potential for modifications in other areas of the EIR based on uncertainty of obtaining offsets.) Regardless, the Appellate

COMMENTS	RESPONSES
	Court did not direct the County to prepare an EIR "anew," which it could have done if it wanted to. It is important to note that the *Sierra Club* case only addressed the issue of severance related to Valiano's request to fix its GHG measure that required the purchase of offset credits which was tied to the County's 2018 CAP. The Project's mitigation measure is not at all similar, as it does not propose offsets, and would occur wholly within the County. In any event, despite the differences between Valiano's request and the current Project mitigation measure, the County considered the Appellate Court's ruling when determining the course of action to take with respect to HGV South. Refer to Responses to Comments ReO1-2, and ReO6a-16 and -21; an order directing a local agency to set aside its certification of the final EIR does not mean the agency is required to start the EIR process all over again. Rather, consistent with the *Sierra Club* case as explained by the Appellate Court, **a local agency** can determine the appropriate way to correct the deficiency in the EIR before considering recertification of the EIR, and must reexamine any new proposed mitigation measure to determine if additional analysis in the associated EIR would be required. In the present case, the County methodically examined whether the correction to the GHG mitigation measures would result in new or substantially more severe impacts than were disclosed in the 2018 EIR. See Global Response: Res Judicata and New Information for the complete analysis and explanation related to the County's determination that no further examination was required pursuant to PRC Section 21092.1 and CEQA Guidelines Section 15088.5 (also see Response to Comment ReO6a-16). Moreover, the County does not find that additional alternatives would be feasible or must be analyzed. Relative to the third paragraph, the County similarly finds that this is also not applicable to the Project. GHG emissions would be fully offset to net zero increase over existing site conditions. Alternatives to the proposed mitigation or Project design are not required. The County considered the new information raised by the comments to determine whether recirculation of the Project's EIR would be required under CEQA Guidelines. The responses to comments thoroughly examined the "new

COMMENTS	RESPONSES

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). ReO6a-26

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. ReO6a-27

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 ReO6a-28

[2] https://ww2.arb.ca.gov/sites/default/files/2023-04/2022-sp.pdf

information" or "change in circumstance" discussed in the comments and demonstrated that the criteria for recirculation were not met. (Refer to Global Response: Res Judicata and New Information.) The County relies on the updated analysis of Subchapter 2.7, expert memos, technical reports, and the responses to comments for its conclusions that recirculation is not required.

Response to Comment ReO6a-26

These comments broadly summarize the 2018 EIR analysis related to GHG emissions and the results of the legal challenge to the 2018 approved Project and certified EIR. They do not pertain to adequacy of the recirculated environmental analysis presented in the EIR and do not require response.

Response to Comment ReO6a-27

The County finds that the RFEIR adequately analyzes GHG emissions impacts, identifies mitigation compliant with CEQA, and that implementation of mitigation measure M-GHG-1 would reduce the Project's GHG emissions impacts below a level of significance as it would result in no net increase over existing conditions. Responses to specific comments raised in this letter related to the adequacy of the GHG emissions analysis and mitigation are provided below.

Response to Comment ReO6a-28

By achieving no net increase in GHG emissions, the Project demonstrates consistency with the statewide GHG reduction target of achieving carbon neutrality by 2045. The Project exceeds the requirements of the 2022 CARB Scoping Plan by offsetting GHG emissions by 100 percent at the time of full occupancy much sooner than the 2045 neutrality requirement. Further, the RFEIR need not recirculate analyses previously found to be adequate under CEQA; refer to Global Response: Res Judicata and New Information. Subchapter 2.7 of the RFEIR includes a discussion of the Project's consistency with Regional Plan goals and specifically states: "As stated above and later affirmed by the Appellate Court, the Project is consistent with San Diego Forward, the plan's vehicle mileage projections, and encourages local walking in keeping with the plan." As such, the RFEIR does not fail to consider these factors and the Project would not conflict with statewide GHG reduction targets

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.

ReO6a-28 cont.

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.

ReO6a-29

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 (CO_2e) per year, would be approximately 368

ReO6a-30

[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

or the Regional Plan. See also Global Response: Res Judicata and New Information. The Appellate Court has specifically addressed the issue of VMT. As quoted in Response to Comment ReO1-12:

> *W]e must conclude the Project is consistent: the EIR evaluated the associated land uses; reflects County's effort to move future development closer to cities, shopping and employment centers; shows the Project is consistent with vehicle mileage projections; and encourages local walking in keeping with the plan* (Appellate Decision, page 66).

With respect to VMT, therefore, this issue was previously litigated and is now precluded from further discussion because of res judicata.

Response to Comment ReO6a-29

As indicated in the following responses, as well as in responses to Comment Letters ReO6b and ReO6c, the comments in this letter do not raise issues with the RFEIR analysis that require substantive revisions or changes in the RFEIR conclusions. As such, no revision or recirculation of the FEIR is required.

Response to Comment ReO6a-30

The GHG analysis was prepared to be consistent with the 2018 FEIR methodology for calculating VMT, which was considered adequate by the courts; refer to Global Response: Res Judicata and New Information. Each Project-generated trip is expected to average 7.88 miles (refer to Appendix C to 2018 FEIR Appendix J). However, total VMT is not simply the average trip length times the number of Project-generated trips , as stated in the comment. Rather, CalEEMod internally adjusts this input to VMT to calculate GHG emissions. It does this by differentiating primary, pass-by, and diverted trips with each type weighted differently. For instance, GHG emissions from primary trips are 100 percent times 7.88, diverted trips are calculated using the primary trip length (7.88) times 25 percent and pass-by trips are calculated at a fixed 0.1 mile per trip. This trip type breakdown and application of associated trip length adjustments is industry standard and therefore accurately calculates the projected VMT for the Project as it relates to GHG reporting and

COMMENTS	RESPONSES
Comment Letter ReO6a Bianca Lorenzana October 7, 2024 Page 10 $MTCO_2e$ 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** ReO6a-30 cont. 	Source	RFEIR Analysis ($MTCO_2e$/Year)[1]	Baseline Analysis ($MTCO_2e$/Year)[2]
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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. ReO6a-31 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 $MTCO_2e$ per year, as the REIR states, the Project will only offset 1,155 $MTCO_2e$ per year. **Table 2** below summarizes these figures: **Table 2. Corrected GHG Emissions from Energy Use and On-Site Solar Energy Production** ReO6a-32 | Source	RFEIR Analysis ($MTCO_2e$/Year)[1]	Baseline Analysis ($MTCO_2e$/Year)[2]
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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. SHUTE, MIHALY & WEINBERGER LLP	calculations. Therefore, the RFEIR does not underestimate GHG emissions from Project-generated VMT. GHG emissions shown in Table 1 from the commenter's Baseline Analysis are incorrect. The mobile source GHG emissions (excluding reductions from EVs) of 2,846 MT CO_2e reported in the RFEIR remain accurate. It should also be noted that due to the Center House commercial component of the Project, the *Traffic Impact Analysis* (TIA; Appendix F to 2018 FEIR Appendix D) determined that a 10 percent reduction could be taken from the trip generation. For informational purposes, the County now requires the use of the Institute of Transportation Engineers (ITE) trip generation rates. The ITE trip generation for the proposed residential land uses is lower than what was utilized in calculating the Project-generated trips and associated VMT. For example, the ITE trip generation for a single-family residential use is 9.57 trips per day as opposed to 10 trips per day and for a multi-family residential use is 7.39 trips per day as opposed to 8 trips per day. This would have resulted in a reduction in traffic of 6 percent, and an associated reduction in mobile source GHG emissions, rendering the Project analyses conservative in their assessment of greater emissions impacts and required mitigation. **Response to Comment ReO6a-31** The Project's GHG analysis provides a logical progression, starting with Project needs and moving through how those needs would be deferred. It assumes that, without the Project providing on-site solar systems, SDG&E would meet the Project's entire energy demand using available generation sources, which include a mix of renewables and non-renewables. While SDG&E has an existing renewable portfolio, additional demand would likely depend on non-renewable sources, as renewable capacity is relatively stable and unlikely to expand instantly to accommodate the Project demand specifically. Therefore, the first assumption mentioned in the comment is correctly addressed in the EIR. With the provision of an on-site solar system that generates more electricity than the Project requires, the **surplus** energy fed back to SDG&E would offset this additional non-renewable generation. Thus, the RFEIR's GHG calculations account for the offsetting or avoidance of the Project's energy

COMMENTS	RESPONSES
	demand emissions as well as reductions in off-site energy draw if the Project's renewable energy was not available. The EIR correctly addresses energy demand of the Project with incorporation of solar energy systems as a design feature. Further discussion of the assumptions related to energy is provided in responses to the Baseline analysis summarized here and provided in full in Responses to Comments ReO6c-6 through -9. **Response to Comment ReO6a-32** Refer to Response to Comment ReO6a-31; the assumptions used in the RFEIR analysis of GHG emissions are correct. Therefore, the calculation in the RFEIR accurately reflects the net outcome of GHG emissions related to energy demand and renewable energy generation once the Project is operational.

COMMENTS	RESPONSES

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 $MTCO_2e$ 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 $MTCO_2e$ per year to achieve net zero emissions.

Table 3. Corrected GHG Emissions Reduction Analysis from On-Site Solar Energy Production

Source	RFEIR Analysis ($MTCO_2e/Yr$)[1]	Baseline Analysis ($MTCO_2e/Yr$)[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.

ReO6a-33

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.

ReO6a-34

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

ReO6a-35

Response to Comment ReO6a-33

The commenter concludes that the Project would generate 2,100 MT CO_2e as a result of using different assumptions about mobile and energy source emissions. Those assumptions do not accurately demonstrate Project emissions as stated in previous Responses to Comments ReO6a-30 and -31. The reductions in GHG emissions associated with PDF implementation have been adequately identified, analyzed, and reviewed by the County. Furthermore, it should be understood that GHG emissions will continue to decrease over time as California enforces new reduction strategies and new technologies become available (see also related discussion in Response to Comment O6a-36, below). Given this, the RFEIR and associated reports as written accurately identify the Project's remaining GHG emissions requiring mitigation. No revisions to mitigation measure M-GHG-1 are required.

Response to Comment ReO6a-34

As stated above, the comment letter does not accurately quantify the Project's GHG emissions. Therefore, the associated statement that additional mitigation is required is incorrect. Mitigation measure M-GHG-1 would offset remaining (post-PDF implementation) GHG emissions with the provision of off-site rooftop solar panels, and correct the deficiency found in the 2018 FEIR. The Director of PDS has been removed from decision making, mitigation would occur within the County, and questions regarding credit registry legitimacy are eliminated as use of credits is no longer proposed. In addition, the mitigation measure provides clear and rigorous implementation standards, including those related to timing, responsibility, funding, reporting, insurance, maintenance/repairs, actions in the event that the property changes hands, a necessary covenant to run with the mitigation property land, and details as to required elements in the HGV South Homeowners Association Covenants, Conditions and Restrictions (CC&Rs). Mitigation measure M-GHG-1 would result in no net increase in GHG emissions, as was also true for 2018 mitigation. No additional GHG mitigation is required for the Board to consider certification of the EIR.

COMMENTS	RESPONSES

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. ReO6a-35 cont.

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 2023[6] 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. ReO6a-36

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. ReO6a-37

5 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.

Response to Comment ReO6a-35

The comment notes statements made in the RFEIR. The comment does not raise specific issues regarding substantive environmental analysis within the EIR, and no response is necessary.

Response to Comment ReO6a-36

The 2024 CAP was approved by the Board on September 11, 2024, whereas the RFEIR was released for public review on August 22, 2024. As such, there was no approved CAP or applicable plan for reducing GHG emissions in the County with which the EIR and associated GHG technical report could demonstrate consistency. Nonetheless, Subchapter 2.7 of the FEIR addresses consistency with the Draft version of the CAP available at the time the RFEIR was prepared and recirculated. The Draft (now adopted) CAP focused on meeting CALGreen requirements and includes implementation of Tier 2 CALGreen requirements as a goal. The Project goes beyond the CAP goal and CALGreen by installing additional solar and EV changers for each unit. As such, the EIR demonstrated the Project would be consistent with the County's climate goals since the Project is consistent with CARB's 2022 Scoping Plan.

Commenter 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.

Response to Comment ReO6a-37

The Project exceeds the requirements of the 2022 CARB Scoping Plan by offsetting GHG emissions by 100 percent at the time of full occupancy – much sooner than the 2045 carbon neutrality requirement. As the commentor states, reducing statewide emissions by 85 percent below 1990 levels would be required to achieve neutrality. The Project would offset 100 percent of emissions, doing more than its fair share to help the state reach carbon neutrality no later than 2045.

COMMENTS	RESPONSES
  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. ReO6a-37 cont. **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. ReO6a-38 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. 	Furthermore, it should be understood that GHG emissions will continue to decrease over time as California enforces new reduction strategies. As noted above, the Project would contribute no net increase to GHG emissions. This is consistent with the CARB 2022 Scoping Plan goal for 2045. Therefore, the Project-related GHG impact would be less than significant.[3] **Response to Comment ReO6a-38** The comment contains a number of incorrect statements on CEQA requirements related to recirculation of an EIR or preparation of a subsequent EIR, which do not apply here. First, the statement that the Project's EIR must be updated and recirculated in its entirety because of its age, is simply incorrect. Age of the original environmental document is not relevant if subsequent events do not trigger the need for further environmental review. (Snarled Traffic Obstructs Progress v. City & County of San Francisco [1999] 74 CA4th 793.) Whether an EIR requires recirculation, in whole or in part, is for that agency to decide based on the legal standards that govern recirculation of an EIR. (Protect the Historic Amador Waterways v. Amador Water Agency, 116 Cal.App.4th at 1112.) Where the scope of revisions is limited to certain chapters or portions of the EIR, a lead agency need only recirculate the chapters or portions that have been modified. (Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova [2007] 40 Cal.4th 412, 449; citing CEQA Guidelines Section 15088.5[c].) The County did not merely "dismiss" recirculation of the 2018 EIR or preparation of a subsequent EIR because of res judicata. Refer to Response to Comment ReO6a-16 regarding the County's methodical examination regarding potential for new or substantially more severe impacts than were disclosed in the 2018 EIR pursuant to PRC Section 21092.1 and CEQA Guidelines Section 15088.5. [3] It is also noted that the Project is currently zoned for up to 220 lots. Development to a number consistent with that zoning would not require a GPA based on acreage and unit count alone. If such a project were proposed today, it would have to be consistent with the 2024-approved CAP. The CAP would require solar to offset on-site electrical use, but not to net zero. Here the Project mitigates to net zero and also gets to net zero for vehicular emissions. The Project is thus more conservative (mitigates for a larger number and variety of emissions) than a CAP-consistent project.

COMMENTS	RESPONSES
Comment Letter ReO6a Bianca Lorenzana October 7, 2024 Page 14 **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. ReO6a-39 **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. ReO6a-40 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 ReO6a-41 [8] 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) [9] https://www.sandiegocounty.gov/content/dam/sdc/pds/SB743/Transportation%20Study%20Guide%20-%20FINAL%20-%20September%202022.pdf SHUTE, MIHALY & WEINBERGER LLP	The comment also misstates CEQA requirements related to the preparation of a subsequent EIR. Putting aside that a subsequent EIR does not apply here, a changed circumstance alone does not trigger the preparation of a subsequent EIR. Rather the question is whether the changed circumstances will lead to significant new project impacts not previously considered. As explained in CEQA Guidelines Section 15162(a)(2), a subsequent or supplemental EIR is required if substantial changes in the circumstances under which a project is undertaken will require "major revisions" in the previous EIR because of "new significant environmental effects or a substantial increase in the severity of previously identified significant effects." New facts or changes in the law must be "material" or significant so as to compel the conclusion that significant environmental effects will be different or more severe. (Citizens for Open Government v. City of Lodi, 205 Cal.App.4th at 324-325. See also Atwell v. City of Rohnert Park, 27 Cal.App.5th at 701.) Other than a vague reference that GHG, VMT, and fire polices have "evolved," the commenters have not articulated how the Project's significant environmental effects will be different or more severe than those analyzed in the 2018 EIR. No additional response can be made. Finally, the issue of secondary access cannot be considered new information which was not known and could not have been known when the original EIR was certified. The commenter, a party in the original litigation involving the Project's EIR, raised this same issue in comments to the 2018 EIR, at the Project's hearing, and in its Petition. In other words, this so call "new" information presented in this comment has, in fact, been considered. Rather than being new, it is rehashing an issue that has been decided by the Appellate Court and res judicata applies. **Response to Comment ReO6a-39** The comment states that the Project's EIR must analyze the Project's consistency with current state and County policies regarding VMT, GHG and a general category named "planning." This is incorrect. The County considered the new information and changed circumstances raised by the commenters to determine whether recirculation of the Project's EIR would be required by CEQA (refer to Response to Comment ReO6a-38 above and Global Response:

COMMENTS	RESPONSES
	Res Judicata and New Information). Please refer to Responses to Comments ReO6a-4 and -36 relative to the updated CAP, which was adopted after recirculation, but with which goals the Project would be consistent. With respect to VMT, this issue was raised and litigated. The Appellate Court determined that the potential underlying injury was addressed (refer to Response to Comment ReO6a-28 for a relevant quote from page 66 of the Appellate Decision). Moreover, as stated in Response to Comment O1-5, courts have consistently determined that new legal regulations, such as the adoption of new guidelines, do not constitute new information if the information about the underlying issue was known or should have been known at the time the original EIR was certified on issues as diverse as changes of thresholds from level of service to VMT to GHG emissions (Olen Properties Corp v. City of Newport Beach [2023] 93 CA5th 270, 280-281; Concerned Dublin Citizens v. City of Dublin [2013] 214 CA4th 1301, 1320.) **Response to Comment ReO6a-40** As mentioned in Response to Comment ReO6a-39, new legal regulations, such as the adoption of new guidelines, do not constitute new information if the information about the underlying issue was known or should have been known at the time the original EIR was certified. More specifically, the change in the CEQA Guidelines from level of service to VMT is not considered significant new information because VMT was being discussed from at least 2006. Rather, CEQA Guidelines Section 15064.3 (the section requiring use of VMT to analyze traffic impacts) operates "prospectively" and subsequent changes to the guidelines are not "new information" triggering a subsequent EIR. (Olen Properties Corp. v. City of Newport Beach, 93 CA5th at 280-281.) Please also refer to Responses to Comments ReO1-5 and ReO6a-39, as well as Global Response: Res Judicata and New Information. **Response to Comment ReO6a-41** For the reasons outlined in Response to Comment ReO1-5, the Project is not required to comply with the County's 2022 TSG, including the requirement to prepare a VMT analysis or in this case, an Infill Analysis. Please refer to

COMMENTS	RESPONSES
Comment Letter ReO6a Bianca Lorenzana October 7, 2024 Page 15 is "exempt" from a full VMT analysis under the County's adopted TSG. REIR 2.7-32. This conclusion is erroneous. ReO6a-41 cont. **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. *Seee* TSG at 7, Appendix A. Here, however, it appears that no scoping agreement was prepared. ReO6a-42 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. ReO6a-43 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 ReO6a-44 SHUTE, MIHALY & WEINBERGER LLP	Response to Comment ReO6a-10 regarding the Project's purpose in preparing the analysis. To be clear, the Project is not relying on an exemption from the TSG based on the Infill Analysis and the Project's election to prepare an Infill Analysis does not change the fact that the Project is not required to prepare a VMT analysis. In any event, the Infill Analysis is no longer relevant because of the recent Court of Appeal's VMT decision. The comment goes on to misconstrue the GHG methodology that incorporates VMT as a part of its calculations to determine GHG emissions, with the VMT analysis used for transportation and land use decisions. To determine GHG emissions, CalEEMod is used as an industry standard and includes modeling of mobile source to determine GHG emissions. It requires quantitative assumptions of vehicle trips and VMT. The assumptions underlying the analysis of GHG emissions in the 2018 FEIR were considered and accepted by the Court of Appeal, and the VMT as identified by LLG Engineers in the Project TIA were also approved. As such, the vehicle trips and average trip lengths used for modeling of GHG emissions in the 2018 FEIR were used in the quantitative RFEIR analysis (refer to Appendix C to 2018 FEIR Appendix J). **Response to Comment ReO6a-42** As stated in Response to Comment ReO1-5, the Project is not required to comply with the County's 2022 TSG, including the requirement to prepare a VMT analysis or in this case, an Infill Analysis. Nevertheless, the Project prepared an Infill Analysis to determine if the Project also met the County's infill requirements, as outlined in Section 3.3.1 of the 2022 TSG. At the time of preparation of Subchapter 2.7 and Attachments, the County was involved in litigation regarding two of its VMT thresholds: (1) "infill" projects proposed to be built within the County's unincorporated villages (the infill threshold); and (2) projects expected to generate no more than 110 automobile trips per day. The California Court of Appeal, Division One, has since held that the evidentiary record developed by the County failed to support the adopted thresholds, and on that basis held that the two thresholds were found noncompliant with CEQA. Therefore, this comment is no longer relevant. Regardless, the above response is provided to ensure clarity.

COMMENTS	RESPONSES
	The County disagrees with the statement in the comment that applicants are required to complete a Scoping Agreement with the County prior to making any initial determinations about transportation impacts. While the 2022 TSG provided the option and the resources for an applicant to enter into such an agreement with the County prior to submitting a transportation study, there is no language within the TSG that requires an applicant to submit a Scoping Agreement. The Project Applicant coordinated with County staff in the development, review, and approval of the Infill Analysis. Finally, it is noted that the completion of a Scoping Agreement is not required under CEQA; thus, it is irrelevant to the analysis within the EIR. **Response to Comment ReO6a-43** To be clear, the Project is not relying on an exemption from the TSG based on the Infill Analysis. Refer to Response to Comment ReO1-5 regarding the lack of "new information," and Response to Comment ReO6a-42, immediately above. In any event, discussion regarding Infill Analysis is no longer relevant because of the Appellate Court VMT decision. **Response to Comment ReO6a-44** Please refer to Responses to Comments ReO1-5 and ReO6a-42 regarding previous County decisions on infill already approved by the Court, and lack of need to revisit VMT.

COMMENTS	RESPONSES

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."

ReO6a-44 cont.

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

ReO6a-45

[10] *See also* Governor's Office of Land Use and Climate Innovation, Infill Development webpage: https://opr.ca.gov/planning/land-use/infill-development/

Response to Comment ReO6a-45

Please refer to Response to Comment ReO1-5 regarding infill analyses.

intersections). This is well above the infill requirement of 128 intersections per square mile relevant to an exemption."

ReO6a-45 cont.

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.

ReO6a-46

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* Exibit 3.

ReO6a-47

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.

ReO6a-48

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:

ReO6a-49

Response to Comment ReO6a-46

To be clear, the Project does not rely on an exemption provided by the TSG and based on the Infill Analysis. Please refer to Responses to Comments ReO1-5 and -8. Refer also to Global Response: Reconsideration of General Plan Consistency Determination.

Response to Comment ReO6a-47

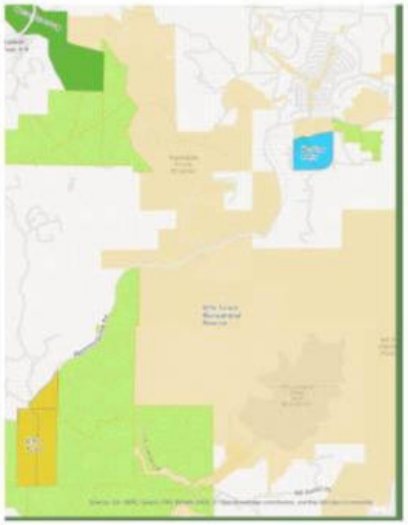
As stated in Response to Comment ReO1-5, the Project is not required to comply with the County's 2022 TSG, including the requirement to prepare a VMT analysis or in this case, an infill analysis. Please also refer to Response to Comment ReO6a-10 regarding the Project's purpose in preparing an "infill" analysis. To be clear, the Project is not relying on an exemption from the TSG based on the Infill Analysis and the Project's election to prepare an Infill Analysis does not change the fact that the Project is not required to prepare a VMT analysis. Because of the recent Court of Appeal's VMT decision, the response to this comment is no longer relevant.

Response to Comment ReO6a-48

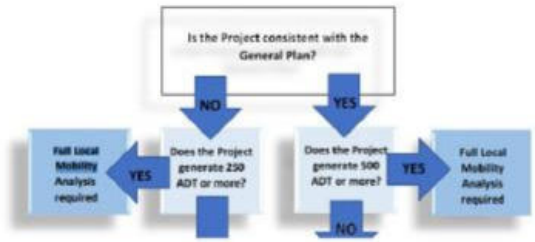
The Project is not required to complete a VMT analysis as suggested by this comment and the Project is not relying on the Infill Analysis to exempt it from the TSG. Please refer to Global Response: Res Judicata and New Information for a complete discussion. Refer to Response to Comment ReO6a-16 regarding the County's methodical examination regarding potential for new or substantially more severe impacts than were disclosed in the 2018 EIR pursuant to PRC Section 21092.1 and CEQA Guidelines Section 15088.5 and conformance to the Appellate Decision, and for information regarding CEQA requirements for recirculation, as well for discussion of why this does not qualify as significant new information. Refer also to Response to Comment ReO6a-39 for more information on the latter point.

The courts have also used PRC Section 21166 and its implementing guidelines for guidance to interpret the meaning of "significant," "new information," and "substantial" to determine whether recirculation is required.[4] Refer to Response

[4] Laurel Heights Improvement Assn. v. Regents of University of California (1993) 6 Cal.4th 1112; Sutter Sensible Planning, Inc. v. Board of Supervisors (1981) 122 Cal.App.3d 813.

COMMENTS	RESPONSES
Bianca Lorenzana October 7, 2024 Page 18 Comment Letter ReO6a  *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 SHUTE, MIHALY & WEINBERGER LLP	to Comment ReO1-5 regarding the fact that CEQA Guidelines Section 15064.3(the section requiring use of VMT to analyze traffic impacts) operates prospectively rather than retroactively. Otherwise, the court reasoned, any changes to the CEQA Guidelines would trigger the preparation of an EIR for every project. In addition, as indicated above, res judicata prevents this issue from being raised. The 2018 FEIR was found by the courts to have adequately considered the cumulative effect of GHG emissions which included GHG analysis (including approach and traffic generation information (average daily trips, VMT, and associated roadway effects). Please refer to Responses to Comments ReO1-5 and ReO6a-28 for a quote from the Appellate Court finding the Project consistent based on associated land uses; County effort to move future development closer to cities, shopping and employment centers; Project consistency with vehicle mileage projection, etc. If the commenter believes that the VMT analysis also informs the Project's transportation impacts it should have raised these issues during litigation to which it was a party. As stated in *Olen Properties*, issues related to VMT have been known since 2006. **Response to Comment ReO6a-49** This comment misinterprets the TSG. The TSG provides guidelines for the determination of transportation impacts under CEQA as well as the evaluation of circulation effects related to County guidelines that are not considered impacts under CEQA (refer to Response to Comment ReO6a-51, below). The TSG therefore assists in the preparation of analysis for individual projects, but is not a policy or planning document that directs where development should occur within the County. It does not require infill development, as the comment suggests. The portion of the TSG quoted in the comment is just one part of the discussion regarding applicability of the VMT screening criterion "Projects Located in Infill Village Area." Moreover, the comment raises the same issues that were resolved in the previous litigation concerning this Project. Please refer to 2018 Global Responses: Project Consistency with General Plan Policy LU-1.4 and General Plan/Community Plan Amendments CEQA Impact Analysis for a thorough discussion on related topics.

COMMENTS	RESPONSES
	Response to Comment ReO6a-50 The comment incorrectly asserts requirements of the TSG that do not apply to the Project. Refer to Response to Comment ReO6a-48. **Response to Comment ReO6a-51** The comment notes that a Local Mobility Assessment (LMA) was not provided for the Proposed Project. First, the comment is incorrect; the Project provided the equivalent of an LMA (titled "*Traffic Impact Analysis*") as Appendix D of the 2018 FEIR, which remains part of the Project documentation. As the analysis of transportation impacts provided therein was not contested during the CEQA challenge, no recirculation of this report was required or necessary. Refer to Global Response: Res Judicata and New Information. Regardless, the 2018 TIA/LMA adequately describes the effects of the Project necessary for the County's Site Plan review and General Plan consistency review for circulation planning. Transportation deficiencies with and without the Project and cumulative projects were identified in 2018 Appendix D, as was mitigation as appropriate. Those mitigation measures remain Project conditions of approval within the County. Finally, an LMA is non-CEQA document, as noted within the TSG. As such, even if the County were to require an LMA for the Project, it would not be included within the Proposed Project's RFEIR.

COMMENTS	RESPONSES
Comment Letter ReO6a Bianca Lorenzana October 7, 2024 Page 19 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. SHUTE, MIHALY & WEINBERGER LLP ReO6a-51 cont. ReO6a-52	**Response to Comment ReO6a-52** The topics raised in this comment are addressed in Subchapter 2.2, Transportation/Traffic, of the 2018 FEIR, which relies in part on the TIA prepared for the Project. That analysis also assumed full HGV buildout and its traffic generation and included Valiano within cumulative projects. As the two primary projects affecting transportation in the immediate vicinity of HGV/HGV South streets (southern CCD, HGR and HGV Parkway) no additional counts are required. The TIA adequately addressed numerous topics that would be covered in the now renamed LMA. Specifically relative to "high-level discussion of secondary/emergency access and emergency evacuation planning with the local Fire District and emergency service agencies" duplication of detailed analyses provided on these specific topics in the FEIR (including both 2018 and 2024 analyses) is not required. Please also refer to Response to Comment ReO6a-51.

COMMENTS	RESPONSES
  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] ReO6a-53 [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 	**Response to Comment ReO6a-53** Refer to Responses to Comments ReO6a-4 and -36. as well as related focused discussion in Global Response: Reconsideration of General Plan Consistency Determination. The CAP was not adopted at the time the RFEIR was released for public review. Nonetheless, the RFEIR does provide an overview of the Project's consistency with the goals of the draft version of the 2024 CAP that was available at the time the RFEIR was prepared; no conflicts were identified. The Project is also consistent with the goals of the General Plan to develop new land uses adjacent to existing villages (here consistent with this vision in proposing residential land uses adjacent to existing HGV). Further, the Project would achieve net zero emissions, thereby achieving the overarching CAP objectives to reduce GHG emissions. As such, the assertion that the Project conflicts with CAP policies is incorrect. The Project is consistent with the CAP and would not result in significant impacts to GHG emissions once mitigated.

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.

ReO6a-53 cont.

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.

ReO6a-54

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 2023[15] 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

ReO6a-55

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

Response to Comment ReO6a-54

The comment references a July 19, 2024 letter from EFHGTC to the RSFFPD Board of Directors, comprising Exhibit 4 to the current letter. With generally editorial revisions and a few substantive additions, that full letter was submitted by EFHGTC to the County during public review of the RFEIR, and is included in this final FEIR. Specific responses to the letter are provided in responses to Comment Letter ReO3. Summary comments on related topics provided by commenter are addressed below.

Response to Comment ReO6a-55

The comment summarizes updates to plans that have occurred since certification of the 2018 EIR. Specific information about the Project's consistency with these updates is provided as applicable in the following responses. However, it is noted that the updates to these plans do not change the overall strategy of the County in preparing for and responding to emergencies. Many of the updates to Countywide plans and procedures have no bearing on individual land uses or development projects. In addition, the Project FPP already provided a layered approach to fire prevention and response, such that plan and code updates generally have not identified design measures or practices that were not previously considered in the Project design and FPP. Refer to the following specific comments and responses for detailed discussion of individual plan and policy changes related to the Project.

COMMENTS	RESPONSES
  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] ReO6a-55 cont. 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. ReO6a-56 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 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). ReO6a-57 The County has also updated its Fire Code requirements, including provisions affecting requests for modifications and dead end roads. County 2023 Consolidated Fire ReO6a-58 [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. 	**Response to Comment ReO6a-56** The 2018 FEIR did not rely on shelter in place for its conclusions regarding impacts to fire safety. Per the Project's approved FPP, Project Evacuation Plan, and 2018 FEIR, the Project offers temporary shelter in place as a last resort contingency plan due to the application of the specialized construction materials and methods outlined in Chapter 7A of the California Building Code. Please refer to Response to Comment ReO3-42. Offering shelter in place as a contingency plan in scenarios where an evacuation is considered by emergency managers to be less safe (typically when evacuation would need to occur in a short time-frame) is the focus of most recent FPPs because it is widely recognized that building a master planned community to the requirements of Chapter 7A and Chapter 49 of the California Fire Code, along with locally adopted, more stringent measures, results in highly defensible, ignition-resistant fire breaks on the landscape. The Project FPP frames the ability to shelter on site as a last resort (Section 5.2.1.2, page 41): "HGVS (sic), like most new communities in San Diego County, will offer the last resort option of temporarily seeking refuge on site if early, safe evacuation is not possible." Direct responses to the referenced portion of the Cova letter are provided in Responses to Comments ReO6b-10 through -14. **Response to Comment ReO6a-57** The establishment of a Fire Safe Council in Elfin Forest Harmony Grove is an excellent step for the community, which was a recommendation of the Project and County as many as 10 years ago. The community should be pursuing evacuation analysis with or without new developments, especially given the older construction and lack of managed FMZs for most existing properties. The value of the CWPP is specifically addressed in Global Response: 2024 Fire / Evacuation as well as Res Judicata and New Information. Regarding the Cova comments and statement that the Project analysis did not include realistic evacuation timelines, please see Responses to Comments ReO6b-6 through -9, below, which address inaccuracies and misunderstandings within those comments. Please note that the evacuation analysis was prepared to understand the time needed to evacuate the Project in

COMMENTS	RESPONSES
	addition to the existing residents that would use CCD to HGR. The results showed that the improvements to CCD provided by the Project would reduce evacuation times significantly for the existing residents and would provide a temporary roadside safe refuge within a very short drive. This existing community is vulnerable, having lost structures in the 2014 Cocos Fire in part because its construction largely pre-dates ignition-resistant construction requirements. It also does not benefit from an HOA-managed FMZ as the parcels are privately owned and receive varied levels of vegetation management (some of which may be deferred by parcel occupants). Determining the ability to evacuate the Project and the larger community was undertaken by the County Fire Department, SDCSD, RSFFPD, and Rohde & Associates. All of these professionals stated that the Project and surrounding area can be evacuated and that evacuations are now managed in a more surgical approach, leading to less congestion. **Response to Comment ReO6a-58** The 2023 San Diego County Consolidated Fire Code continues to include provisions allowing the use of Code Modifications. Virtually the same information provided to RSFFPD for HGV South's approved modification would be required under current standards. Please refer to Global Responses: 2024 Fire / Evacuation and Res Judicata and New Information. The Project's request for a modification was supported by extensive documentation describing features that made secondary access impracticable, and the modification was found: (1) to be in compliance with the intent and purpose of the Code; and (2) did not lessen health, life and fire safety requirements. The specific Code section was identified, material facts were provided that supported the contention, comprehensive details for mitigating measures and how they applied were provided, and multiple maps were provided along with field visits conducted by decision makers. The granting of the Project's modification was not provided in haste, as the proposal took nearly four years of evaluation and identification of strategic mitigation measures to arrive at an approval. As such, while the written requirements for a modification have been updated, no substantial change in the information

COMMENTS	RESPONSES

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. ReO6a-58 cont.

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. ReO6a-59

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. ReO6a-60

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

provided to the approving authorities is required, and no effect on the Project conclusions occurs.

Response to Comment ReO6a-59

The comment is related to updated County emergency planning related documents and whether the Project should be re-evaluated based on these updates. In general, the updated long range planning documents noted in the comment provide clarifications to various topics and more detail related to evacuation, but not at a level that would materially change any of the safety-related analyses completed and approved for HGV South. As appropriate, new documents are addressed in Global Response: 2024 Fire / Evacuation.

Response to Comment ReO6a-60

There is no conflict with the EIR in the comment's statements on FPPs generally or the approved Project FPP. FPPs have been required by San Diego County since at least 2010. The Project FPP is comprehensive and exceeded the FPP requirements based on the 2010 FPP Guidelines. The HGV South FPP was one of the most evaluated and reviewed FPP's in Dudek's more than 20 years of preparing them and included review by CAL FIRE, RSFFPD, SDCFA (now SDCFPD), and Rohde & Associates. Numerous versions of the FPP were created with numerous review cycles by the aforementioned organizations to arrive at an approved FPP that addressed concerns of the agencies responsible for protecting the Project and the area in which it is located.

The FPP created for HGV South in 2018 would satisfy the 2024 FPP Guidelines with a few formatting changes, which would not materially alter the analysis or conclusions of the FPP and its achievement of County standards. Refer to Global Response: 2024 Fire / Evacuation. Fire codes related to the most important fire protection features have not changed substantially since 2018 Project approvals in terms of access, water, response, construction standards, and defensible space. Further, approved projects that require several years to begin construction are required to submit plans for RSFFPD review and will need to meet then-current building codes. If approved, this will also be the case for the Project. A new FPP is not required.

COMMENTS	RESPONSES
  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. ReO6a-60 cont. 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**. " ReO6a-61 • **"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 ReO6a-62 23 https://www.sandiegocounty.gov/content/dam/sdc/pds/ceqa/FireCEQAGuidelines2024/Public%20Review%20FPP%20Guidelines%20%20Format%20Clean%20.pdf 	**Response to Comment ReO6a-61** The comment's suggestion that requirements of the 2024 FPP Guidelines are new is not accurate. Since FPPs became a requirement of project analysis in San Diego County in 2010, FPPs have had to include consultation with the fire department and detail mitigation necessary to comply with their recommendations. Written findings of fact are encompassed in the FPP content. The HGV South FPP is consistent with the bulleted items provided in the comment. The FPP was approved with a modification for dead-end road length because findings were made that sufficient access, along with other accepted means for fire protection, were provided that would neither lessen fire safety nor put lives at unacceptable risk. The FPP Guidelines best practice citation is noted. Besides not being adopted in San Diego County, it is not applicable in all situations. It is not uncommon for fire jurisdictions to have varying approaches to fire codes, with access being one of those. Access requirements are specific to the environment within each jurisdiction based on factors unique to each jurisdiction. In other words, one size does not fit all and the County determined that the application of the best practice did not fit San Diego County's environment. **Response to Comment ReO6a-62** This comment serves as a reminder to consider potential future ADUs during project evaluations, as they may increase the population from a planned community. The type of residential units planned for the Project do not facilitate ADUs (multi-family housing and single-family homes on generally small lots), and ADUs are not included in the Project. Nonetheless, the following discussion provides an overview of the connection between development and wildfire risk. Please also refer to the "Clarified Fire Starts/Ignitions" portion of the Global Response: 2024 Fire / Evacuation, which provides further discussion of this topic. The 2022 AG's best practices were created for jurisdictions, unlike the County, that do not have comprehensive requirements for fire code compliance and site-specific evaluations documented in an FPP. The AG's best practices document is meant to be "guidance" designed to help lead agencies to comply with CEQA

COMMENTS	RESPONSES
	when considering projects in wildfire-prone areas. However, San Diego County has been far ahead of the curve with respect to these requirements for almost two decades. The locally relevant policies and guidelines of the County provide the best practices for evaluating and mitigating wildfire exposure and risk as applicable in the Project context. Please refer to Global Responses: 2024 Fire / Evacuation and Res Judicata and New Information, both of which discuss the AG's guidelines and (although the Project is not required to evaluate impacts with suggested guidance), documents Project consistency with the 2022 document. The AG's best practices do not raise any issues that have not already been considered and analyzed in the 2018 FEIR. Note, however, that comment statements that converting wildland vegetation into pavement does not reduce risk are inaccurate. Conversion of wildland fuels that can ignite and facilitate fire spread to low ignition potential landscapes of paved roads, irrigated and managed landscapes, and ignition-resistant structures have been shown to act as a fire break on the landscape. Wildfire cannot burn what it cannot ignite and the features provided for the Project have been shown to perform well against wildfire in numerous real-world wildfire scenarios. The comment may be more appropriately focused on the risk to off-site areas from a Project due to the increased on-site population. In that case, there is still no evidence to support that a master planned community constructed after 2007 and maintained as designed has been the origin of a wildfire or been impacted by a wildfire. There is also no evidence supporting the opinion that a master planned community with designed, implemented, and maintained protections results in increased ignitions. Please refer to the "Clarified Fire Starts/Ignitions" portion of Global Response: 2024 Fire / Evacuation for additional discussion of fire starts, as well as density and wildfire risk. Please also note that the County does not take a "complacent attitude" towards wildfire risk. Extensive analysis, planning, and design revisions, have resulted in the County's determination that the Project would not result in significant hazards related to wildfire. The Project's FPP, Project Evacuation Plan, and *Harmony Grove Village South Wildfire Risk Analysis* (Wildfire Risk Analysis)

COMMENTS	RESPONSES
  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: ReO6a-62 cont. 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. ReO6a-63 ReO6a-64 The Guidelines also warn of the dangers of single access point projects like the HGVS: ReO6a-65 **Developments with inadequate access (e.g., long roads with a single access point,** roads over steep grades, improper road surfaces, and/or 	conducted by Rohde & Associates, along with the methodical evaluation by SDCFA and RSFFPD, demonstrate that a comprehensive and extensive evaluation of the potential for loss of life and property was conducted, and impacts were found to be below levels of significance. In addition, Global Response: 2024 Fire / Evacuation, and the 2018 Global Responses: Fire Hazards Impact Analysis, and Adequacy of Emergency Evacuation and Access, also provide discussion of these topics. **Response to Comment ReO6a-63** The Project and its associated evaluations for evacuation feasibility are consistent with the comment's stated County goals. The Project would improve the evacuation capability of existing residents on CCD south of HGR (particularly through implementation of a three-lane bridge with pedestrian and equestrian access in place of a current narrow two-lane Arizona crossing edged by dense vegetation). It also would provide a temporary roadside refuge should an evacuation of those existing residents require a mid-evacuation refuge. Project-related road and bridge improvements also would improve emergency vehicle access during evacuation based on additional, and wider, travel lanes. The noted factors have been considered in evacuation analysis, for both Project and existing residents. **Response to Comment ReO6a-64** Regarding the FPP Guideline that large animal safety is to be considered, it is agreed that the Elfin Forest Harmony Grove community needs to address its evacuation, including livestock. This should be accomplished as soon as possible, regardless of whether HGV South is built. There are many wildfire scenarios that could occur in this area that would not impact the eastern portion of Harmony Grove, where the Project site is situated, but that would require Elfin Forest to evacuate. In most of these scenarios, evacuation to the west would be the shortest and least dangerous option (except for Elfin Forest, which has a short drive east to San Elijo Hills). There are technologies, programs, pre-planning, and contingencies that may be available to the existing residents, but unless they are proposed, vetted, funded, and implemented, the community will be no better off during the next evacuation. Additionally, the HGV South

COMMENTS	RESPONSES
	Project Evacuation Plan identifies temporary roadside refuge areas that may be available for evacuating livestock trailers. Specifically with regard to the consideration of evacuating livestock from existing residences, the Project evacuation analysis used a very low lane capacity rate of 500 vehicles per hour (compared to the standard capacity of 1,900 vehicles per hour per lane) to account for large vehicles and trailers associated with livestock evacuations. It is also noted that temporary roadside refuges as shown on Figure 2 (page 7) of the Project Evacuation Plan on the County Project website (with an excerpt depicted in Global Response: Res Judicata and New Information) include areas like parking lots and irrigated park areas, which could accommodate large animal trailers during evacuation temporary refuge stops. Decision making agencies reviewed the approach and accepted the Project's analysis based on Project analyses as well as their own experience and understanding of the issues. **Response to Comment ReO6a-65** The statement that the Project did not assess dead-end road standards is incorrect. The Project has a previously approved modification from dead-end road requirements that was detailed in its analysis and carefully reviewed. Please refer to 2018 Global Responses: Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access, as well as Global Response: 2024 Fire / Evacuation. By the definition in the FPP Guidelines provided in the comment, HGV South does not include the type of characteristics that would result in an automatic rejection of a dead-end road length modification proposal. For example, the quoted text provided states: "Developments with inadequate access (e.g., long roads with a single access point, roads over steep grades, improper road surfaces, and/or narrow roads)..." The Project actually corrects existing conditions that could be considered less than adequate. For example, HGV South would include three access points with CCD, which is a short distance (from 0.1 to 0.25 mile) along CCD to HGR, at which point there are at least three different route options to urbanized Escondido or San Marcos. Additionally, off site, evacuation relies on roads that are essentially flat without steep grades. All have Code-consistent road surfaces, and all are at least as

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**.

ReO6a-65 cont.

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").

ReO6a-66

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.

ReO6a-67

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

ReO6a-68

wide as the Code requires, with the improved CCD and new bridge far exceeding the required 24-foot widths and including an additional travel lane. These latter improvements not only support better access/egress than currently occurs along CCD, but also improves accessibility for emergency vehicle access. The standards for dead-end roads have been applied extensively to HGV South and were found to be adequately mitigated in the FPP. Rather than conflict with the noted guidelines, the Project would substantially improve evacuation capacity and contingency options for more than 60 vulnerable residences at the end of CCD.

Response to Comment ReO6a-66

Please refer to Global Response: 2024 Fire / Evacuation for discussion of relevant changes to ordinances and regulations and analysis demonstrating that there is no change to CEQA conclusions on this topic, as well as Response to Comment ReO6a-60 regarding RSFFPD review against current building codes at the time of plan submittal, which may post-date existing regulations. More generally, please refer to Global Response: Res Judicata and New Information.

Response to Comment ReO6a-67

The comment quotes FPP Guidelines that alternate measures will not be approved if they do not exceed the level of safety provided by the requirements. This is accurate and is no different than the code requirement for modifications (this is the correct term as there are no "exemptions" to the code requirements) that are detailed in the HGV South FPP. Approving the modification was based on extensive assessment, including: a comprehensive FPP, Project Evacuation Plan, third-party review and concurrence, and two separate fire agency's expert evaluations. The ability to make necessary findings confirms that the intent of the code is being met, and that the provided mitigating measures exceed the level of safety provided by the original requirement (dead-end road length). The assertion that the Project record does not achieve this requirement is inaccurate.

Response to Comment ReO6a-68

The County disagrees with these statements. Please refer to Response to Comment ReO6a-66.

COMMENTS	RESPONSES

current fire history and complies with the most current regulations and new CEQA analysis that recognizes the significant wildfire risks this Project creates. ReO6a-68 cont.

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.

ReO6a-69

[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 (accessed on 9/30/24).
[25] *Id.*

Response to Comment ReO6a-69

The County generally agrees with the discussion of wildfire trends, but notes that while there have been large wildfires since 2000, large wildfires have occurred throughout recorded history (for information showing variance since 2016, please refer to Response to Comment ReO4b-14). Specific to climate change, research suggests that its effects on California's wildfires will be seen more drastically in the higher elevations, not in the southern California shrublands that are already adapted to annual droughts. This trend is confirmed in the 2022 statewide assessment report, indicating "Until the 2010s, the largest fires occurred in Southern California. In the past several years, most of the largest fires have occurred in the north." Additionally, the type of vegetation that is more frequently burning in wildfires has shifted toward higher elevation and more northerly geographies. As stated in the 2022 statewide assessment, over the last two plus decades (since 2000), conifer forests have experienced the greatest increase in area burned. The Project site does not contain any conifer forest habitat (refer to Figure 2.3-1, *Vegetation and Sensitive Resources*, in the 2018 FEIR.

Climate is certainly a driver of potential for larger wildfires, and forest mismanagement is another. Regardless, the number of wildfires was not an FPP determinate – it was the efficacy of the fire safety design measures. The comment suggests that integrating the most effective and evidence-based scientific and technological perspectives and tools is the best way to address the California wildfire threat. That is what HGV South proposes. If all homes in California were constructed to the level of safety that the Project is required to achieve, and then placed in a protected landscape with wide fuel modification buffers that are maintained in perpetuity, wildfire risk would be significantly reduced. It is the older homes and homes that are not protected by the layering of protections offered in a master planned community that are being lost to wildfires in California.

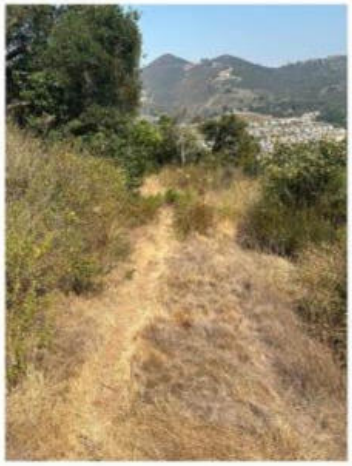
COMMENTS	RESPONSES
  Section 1 of Stats.2021, c. 239 (S.B.109) (paragraph numbering omitted). These findings highlight the increasing dangers of wildfires and the critical importance of an updated and evidence-based analysis of this threat. ReO6a-69 cont. The County recognized California's dramatic increase 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. ReO6a-70 **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). ReO6a-71 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. 	**Response to Comment ReO6a-70** Comments related to Lilac Hills Ranch are noted but do not pertain to the environmental analysis in the EIR or the specific location in which the Project is proposed. The comments are part of the administrative record and will be before decision makers during consideration of the Project. **Response to Comment ReO6a-71** The commenter incorrectly asserts that the evacuation analysis in the 2018 FEIR assumed that HGV was a "safe haven" for the Project's residents in case of fire because HGV was designated a moderate fire area at the time. The commenter goes on to mistakenly state that the 2018 FEIR relied on the relative safety of HGV to support its conclusion that impacts associated with wildland fire hazards would be less than significant. Both statements are incorrect. The Project's FPP and Project Evacuation Plan evaluated the fire hazards within the Harmony Grove Valley, including HGV, based on actual on-the-ground conditions using the following factors: climate, vegetation, topographic characteristics, location within a wildland/urban interface (WUI), and fire history of the area. Please refer to Response to Comment ReO6a-3 regarding use of the same factors as used in designating an area a VHFHSZ and consistency Project conclusions. As described on CAL FIRE's website, an area is designated as a VHFHSZ as a result of modeling large swaths of land using fuel loading (e.g., vegetative), slope (e.g., topographic), fire weather (e.g., climatic), and other factors such as where winds have been identified as a major cause of wildfire spread in the past (e.g., fire history), consistent with PRC Section 4202). As described above, the FPP used most of these same factors but was fine-tuned to the actual on-the-ground conditions. The FPP evaluated the fire hazards that existed within the vicinity of the Project site and their potential effect on the Project, as well as the potential increased wildfire hazard that may result from the Proposed Project using the same or very similar factors that go into designating an area as a VHFHSZ, but at a much finer scale than the coarse data used by CAL FIRE. Please refer to Global Response: Res Judicata and New Information for clarification of initial hazard listings based on gross categories versus detailed analysis using site-specific parameters.

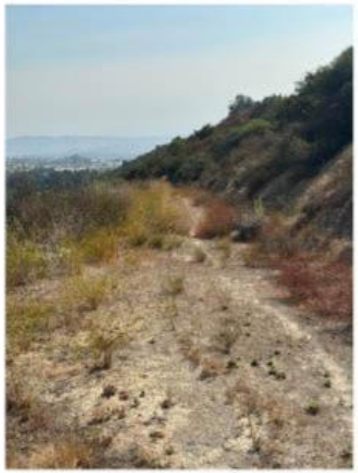
COMMENTS	RESPONSES
	This means that HGV's designation as a VHFSHZ would not change the evaluation of the fire hazards from what was analyzed in the FPP. Accordingly, it would not result in a new significant environmental effect or a substantial increase in the severity of previously identified significant effect. As such, it does not constitute a changed circumstance or void the application of res judicata. The second incorrect assertion raised by the commenter is that the 2018 FEIR relied on the safety of the HGV site to support its conclusion that impacts associated with wildland fire hazards would be less than significant, which is patently false. The 2018 FEIR concluded that the impacts associated with wildland fire hazards would be less than significant because of a long list of incorporated HGV South Project design features (PDFs). Please refer to Global Response: Res Judicata and New Information. The HGV area will continue to act as a fire break on the landscape and provides the same protections as initially anticipated. Its designation on the CAL FIRE map does not affect its ability to drastically change, slow, or stop fire spread as it has been subject to ember-resistant construction requirements of the San Diego County Building Codes and a robust FPP. Therefore, all assumptions and inputs into the HGV South FPP and its conclusions remain valid despite the map change.

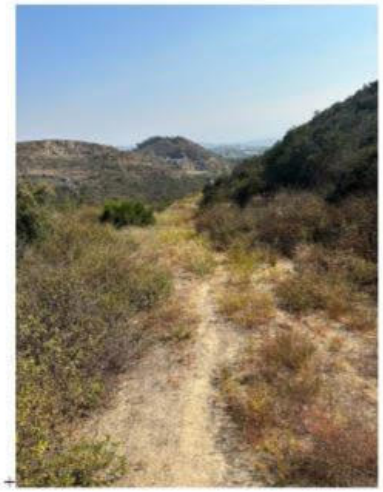
COMMENTS	RESPONSES
Comment Letter ReO6a Bianca Lorenzana October 7, 2024 Page 29 significant. DEIR at 3.1.4-26. As the appellate court noted, the fire plan and Wildfire Risk Analysis both "describe availability in a community park, within interior tract streets inside the larger Harmony Grove community, 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.* ReO6a-71 cont. 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. ReO6a-72 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). SHUTE, MIHALY & WEINBERGER LLP	**Response to Comment ReO6a-72** HGV South did not rely on shelter in place as a safety measure in the Project Evacuation Plan. Instead, the Plan considered temporary sheltering as a contingency option. The updates to CAL FIRE maps do not mean the previously identified options for temporary shelter are no longer appropriate. These locations were selected based on specific characteristics that have not changed. Rather, mapping was updated as a result of methodological changes by CAL FIRE that do not reflect on-the-ground changes in wildfire potential. HGV South and HGV are still considered appropriate for temporary refuge, similar to shelter in place communities within Rancho Santa Fe that are within areas designated VHFHSZ (see The Crosby and Cielo). Please refer to the "Fire Hazard Rating at HGV" portion of the Global Response: Res Judicata and New Information for further discussion. It is further noted that the Project is not intended to be a "shelter in place" community. Shelter in place should be considered as a contingency solution for instances when an early evacuation is not possible. In some instances, it is preferred to refuge people on site, in their well-protected homes or other Project buildings, than to start or continue an evacuation that could result in persons in vehicles being exposed to fire. Refer to the 2018 Global Response: Adequacy of Emergency Evacuation and Access, as well as Response to Comment ReO6a-71.

COMMENTS	RESPONSES
Comment Letter ReO6a Bianca Lorenzana October 7, 2024 Page 30 **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** ReO6a-73 SHUTE, MIHALY & WEINBERGER LLP	**Response to Comment ReO6a-73** The Project does not "violate" a Fire Code provision. Rather, it complies with the 2023 Fire Code on dead-end road length and modifications just as it did with the effective code at the time of approval. Modifications are allowed when properly evaluated and supported with justifications allowing the fire agency to make the appropriate finding. In general, the comment describes exactly what HGV South's FPP provided so that the modification could be evaluated and granted. Fire officials can require additional access, but can also review and approve modification requests where appropriate documentation and justification are provided, as was done for HGV South. Refer to 2018 Global Responses: Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access, as well as Global Response: 2024 Fire / Evacuation for additional discussion of the modification and changes in modification guidelines.

COMMENTS	RESPONSES
  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). ReO6a-73 cont. 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). ReO6a-74 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'"). 	**Response to Comment ReO6a-74** The FPP did not rely on connection to Johnston Road as an access route. It is noted that the text cited from the FPP actually was addressing several homes east of HGV South that currently access CCD through HGV South property. The design features discussed were improvements to access through HGV South for those homes based on Project road improvements, as well as the fact that those homes would continue to have access to the east as currently exists, although the Project would not provide off-site road upgrades. While the FPP and EIR included an analysis of secondary access options, including connection to Johnston Road, it found that none of the options was feasible without improvements. Improvements to Johnston Road access were found to be infeasible, due both to necessary crossing of private property, as well as engineering constraints that would not allow roadway design to meet secondary road standards. As such, the Project never relied on Johnston Road as secondary access, and Johnston Road connection was not considered a part of the FPP acceptance relative to dead-end road length code modification. The FEIR does disclose that emergency responders may choose to use an existing dirt road connecting to Johnston Road as appropriate during an emergency; however, this was not considered a sufficient secondary access route. This has not changed. Please refer to the 2018 Global Response: Adequacy of Emergency Evacuation and Access, as well as the Global Responses: 2024 Fire / Evacuation, and generally, Res Judicata and New Information.

COMMENTS	RESPONSES
Comment Letter ReO6a Bianca Lorenzana October 7, 2024 Page 32 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 ReO6a-75 SHUTE, MIHALY & WEINBERGER LLP	**Response to Comment ReO6a-75** Commenter provides some photographs purported to show that the dirt road connecting to Johnston Road is no longer passable. It appears that commenter is not familiar with the actual dirt road addressed in the FPP. Review of October 2024 GoogleEarth indicates a much more open road, consistent with 2018 evaluation. Please refer to Global Responses: 2024 Fire / Evacuation and Res Judicata and New Information for discussion of this, as well as illustrative photographs.

COMMENTS	RESPONSES
Comment Letter ReO6a Bianca Lorenzana October 7, 2024 Page 33  Photo of private off-site "road" connecting to Johnston Road, September 27, 2024 ReO6a-75 cont. SHUTE, MIHALY & WEINBERGER LLP	

COMMENTS	RESPONSES
   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 ReO6a-75 cont. ReO6a-76	**Response to Comment ReO6a-76** The wildfire hazards analysis in the 2018 FEIR was addressed in the CEQA challenge and found to be adequate by the Court of Appeal. Information referenced in the comment does not constitute new information of substantial importance. Please refer to the Global Response: Res Judicata and New Information. Please also refer to Responses to Comments ReO6a-55, -58, -59, -60, -61, -62, -65, -66, -67, -69, -70, -72, -73, -77. -78, -79, -80, and -81.

COMMENTS	RESPONSES

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.

ReO6a-76 cont.

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.

ReO6a-77

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

ReO6a-78

[27] *See* https://files.resources.ca.gov/ceqa/docs/2018_CEQA_Final_Statement_of%20Reasons_111218.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).

Response to Comment ReO6a-77

Comments noted. Please refer both to responses to Comment Letter ReO6h (Exhibit 7 of this letter), consisting of a full copy of the November 2018 *Final Statement of Reasons for Regulatory Action Amendments to the State CEQA Guidelines*, as well as Global Response: Res Judicata and New Information. The Project would not exacerbate hazards related to wildfire. Rather, it would provide a layered fire protection system and a break in the landscape of wildland fuels. Refer to both the "Clarified Fire Starts/Ignitions," as well as the "California Attorney General Guidance of 2022," portions of Global Response: 2024 Fire / Evacuation.

Response to Comment ReO6a-78

The comment suggests that the 2022 California AG's Guidance document would change the results of the Project's analysis. To the contrary, the HGV South FEIR and FPP analysis and approach are consistent with the AG Guidance. Please refer to Global Response: 2024 Fire / Evacuation, which includes a more detailed comparison of the Project with the AG Guidance. Finally, this comment mischaracterizes the AG Guidance document as controlling when it is not. The AG Guidance states (emphasis added): "This document **does not impose additional requirements on local governments** or alter any applicable laws or regulations." Instead, the AG Guidance was created to provide best practices for jurisdictions, unlike the County, that do not have comprehensive requirements for fire code compliance and site-specific evaluations. The AG's best practices is meant to be "guidance" designed to help lead agencies to comply with CEQA when considering projects in wildfire-prone areas. See also Response to Comment ReO6a-62 above.

COMMENTS	RESPONSES

Planning and Research (OPR) recently published comprehensive guidance to help local agencies comply with these requirements. ReO6a-78 cont.

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). ReO6a-79

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. ReO6a-80

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 ReO6a-81

Response to Comment ReO6a-79

The 2018 FEIR adequately analyzed the Project's potential wildfire hazard consistent with the listed items under an appropriate significance threshold. Responses to Exhibit 5 of this letter and comments related to the wildfire analysis are addressed in responses to Comment Letter ReO6f. In brief, however, the County finds that these issues were expressly considered during prior Project approval (largely based on the detailed responses previously provided), were before decision makers in July 2018, and/or were raised (or commenter decided that they were not worth raising) in CEQA challenge filings on the Project initiated in 2018. The Court of Appeal states: "

> *We conclude the EIR contains a CEQA-compliant discussion of the potential wildland fire risks or exacerbation caused by the Project and the fire risks in the Project's vicinity, and that substantial evidence supports its conclusion that the Project measures would reduce them to a level of insignificance (Appellate Decision, page 40).*
>
> Also, "We conclude the EIR's discussion of evacuation routes and timing satisfies CEQA requirements" (Appellate Decision, page 51).

Additionally, recirculation or preparation of a subsequent EIR, is not required simply because significance thresholds are subsequently revised, such as for wildfire, so long as the related impacts of the project were considered in the initial EIR. Here, the underlying information concerning wildfire was already known when the 2018 EIR was prepared and these issues were adequately analyzed, just utilizing a different methodology. To assert otherwise using the logic of the commenter would mean that any changes to the CEQA Guidelines would trigger the recirculation or preparation of an EIR no matter how inconsequential, because of how often the guidelines are updated.

Response to Comment ReO6a-80

Refer to Response to Comment ReO6a-60, which describes that the Project remains consistent with current Fire Code requirements and the FPP remains adequate under the revised FPP Guidelines. Although not a matter addressed in

COMMENTS	RESPONSES
	the recirculation, it is noted that Project consistency with new documents is provided in Global Response: 2024 Fire / Evacuation. It is also noted that emergency response impacts objectives described in the General Plan are based on response time and call volume of the nearest station and are not evaluated against emergency response and evacuation plans. The analysis of response times was provided in FEIR Section 3.1.8, *Public Services*, and associated Table 3.1.8-2, *Summary of Responding Fire Stations for the Project*, as well as Table 8.3.3-1, *Summary of HGV South Responding Fire Stations*, and Table 8.3.3-2, *Summary of Population and Estimated Call Generation*. The comment is correct that the County no longer has a Public Facilities Element; as a point of clarification, however, it is noted that the same emergency response objectives are actually provided in the Safety Element (see Safety Element Table S-3.). Accordingly, as specified in the FPP and 2018 FEIR, there were no significant impacts for emergency response objectives nor interference with applicable plans from HGV South. **Response to Comment ReO6a-81** This comment represents a continued disagreement with the findings of the County's experts regarding the Project's wildfire risk. The issue of competing experts was initially raised by the same parties in their original complaint and was soundly dismissed by the Appellate Court: *County was entitled to accept the EIR's and fire officials' conclusions that the Project's impacts, including its addition of ignition sources, would not expose people or structures to a significant risk of loss, injury or death (Appellate Decision, page 43).* Even if respondents presented other experts' competing conclusions, it does not render the EIR inadequate. Please refer to Response to Comment ReO3-2 for direct discussion of this topic and the Appellate Court quote. As explained above, recirculation or preparation of a new EIR is not required simply because significance thresholds are subsequently revised, such as represented by the "CEQA standards" or AG Guidelines as asserted by the commenter, so long as the related impacts of the project were considered in the initial EIR. Here, the

COMMENTS	RESPONSES
	underlying information concerning wildfire was already known when the 2018 EIR was prepared and these issues were adequately analyzed, just utilizing a different methodology. Mitigation is required under CEQA when significant impacts are identified, as is consideration of potential alternatives to avoid or minimize those significant impacts. There is potential for a project applicant and CEQA lead agency to address potential impacts through PDFs that eliminate or proactively attenuate project elements that otherwise would result in impacts. An advantage to such an approach is that many items can be addressed up front through plan check and then take place on the Project rather than having to mitigate post construction or off site. That is the case with HGV South. The Project's FPP identifies PDFs rather than mitigation measures to address identified hazards and based on application of PDFs, the Project addressed those hazards so that the associated risk would be at acceptable levels. Contrary to the comment, site risks were clearly identified in the Project FPP. Per Section 4.2, On-Site Risk Assessment: *Given the climatic, vegetative, WUI, and topographic characteristics and fire history of the area, the project site, once developed, is determined to be subject to occasional off-site wildfires. Potential for off-site wildfire encroaching on, or showering embers on the site is considered moderate to high, but risk of ignition from such encroachments or ember showers is considered low based on the type of construction and fire protection features that will be provided for the structures. Wildland fire from the east, south, or southwest is possible given the existence of open space reserve lands and ignition sources. The most significant wildfire threat currently is considered to be during Santa Ana conditions with wind-driven wildfire from the northeast/east. However, the Santa Ana threat is considered minimal post-development because there is a lack of wildland fuels to the northeast/east, which is currently being developed for the Harmony Grove Village project. The developed areas of the City of*

COMMENTS	RESPONSES
Comment Letter ReO6a Bianca Lorenzana October 7, 2024 Page 37 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. ReO6a-81 cont. **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. ReO6a-82 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 SHUTE, MIHALY & WEINBERGER LLP	*Escondido are located to the east. The most significant threat for this project would be a fire started west or southwest of the site in heavy native vegetation. This type of fire would also have the potential to produce embers and is subject to unstable wind patterns, resulting in eddies and wind/terrain assisted fire runs up side canyons and "chimneys."* The potential risks were further evaluated for the area by Rohde Associates, RSFFPD, and SDCFA (SDCFPD). There are no mitigation measures required because the Project proactively incorporated PDFs as hazards were identified. As such, the Project analysis in the 2018 FEIR and FPP adequately address potential risks and provide PDFs resulting in less than significant impacts consistent with the quoted guidance. **Response to Comment ReO6a-82** In general, the 2018 FEIR comprehensively addressed cumulative impacts. The topic was introduced in Chapter 1.0 of the FEIR, with a list of current, past, and reasonably foreseeable future approvals (Table 1-3) as well as a figure illustrating their location (Figure 1-23). Contrary to the comment's implication, analysis did not stop there. Each technical analysis section within Chapters 2.0 and 3.0 included discussion, assessing whether a cumulative effect would occur, and if so, whether the Project's contribution would be considerable in nature. The County disagrees that every project for every issue County-wide needs to be included in the analysis (or even every project identified within the comment). As discussed in the EIR, the reasonable area of cumulative effect was found generally to be 5 miles for cumulative project listing, and as applicable, that was adjusted within topic specific discussions (e.g., for aesthetics, projects that could be seen in concert with HGV South were assessed; for biological resources, projects with similar resources were included). That being said, lack of a cumulative impact was identified for both land use issues (including GPA effects). Hazards and hazardous materials (wherein the fire hazards discussion is located) direct impacts were also found less than significant, as were cumulative impacts due to project-specific

COMMENTS	RESPONSES
  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. ReO6a-82 cont. 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: ReO6a-83 • *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. 	evaluations required by the land use planning agency prior to approval as well as mandatory compliance with plans, regulations and ordinances designed to address potentially significant impacts. Specific to fire hazards, Chapter 6 of the FEIR's FPP and FEIR Section 3.1.3.3. address cumulative fire impacts. Please also refer to Global Response: 2024 Fire / Evacuation for relevant discussion of VHFHSZ, ignition risk (fire starts), and the Project's (and other planned development) potential contribution to more regional issues. Global Response: Res Judicata and New Information also addresses VHFHSZ. Per the 2018 FEIR's Global Responses: Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access as well as the HGV South FPP, Project Evacuation Plan, and the Wildfire Risk Analysis conducted by Rohde & Associates, along with the methodical evaluation by SDCFA and RSFFPD, a comprehensive and extensive evaluation of the potential for loss of life and property was evaluated and found to be at levels below significance. Evacuation risks were evaluated for the Project to the acceptable level of the County of San Diego and its Fire Authority along with those of the RSFFPD and SDCSD. Please refer to the above-noted section for details regarding the evacuation risk analysis and contingency options available to and offered by HGV South. The comment also mentions VMT, state and federal pollutant standards, loss of critical habitat, public health impacts, energy consumption, GHG, the County General Plan, and regional plans addressing transportation and plant and animal conservation. As noted, these categories of information fall within cumulative discussions already presented and not found inadequate during CEQA challenge of the Project. The reader is referred to all 2018 FEIR sections 2.X.3 and 3.1.X.3 for discussions relevant to EIR topics. Please also refer to Global Response: Res Judicata and New Information. **Response to Comment ReO6a-83** Refer to Response to Comment ReO6a-82 discussing the general adequacy of the existing cumulative impact analysis. The comment identifies projects with potential impacts on wildfire safety and evacuation times in the Project vicinity: Solaris Business Park, Seguro Battery Storage Facility and the Yoz

COMMENTS	RESPONSES
 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. ReO6a-83 cont. **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). ReO6a-84 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.** ReO6a-85 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 	Community Center (part of the buildout of HGV). Please refer to Global Response: 2024 Fire / Evacuation under "Potential New Projects in the HGV South Vicinity" for information on these three projects and their lack of significant impact on wildfire safety and evacuation times for the Project area. **Response to Comment ReO6a-84** Refer to Responses to Comments ReO6a-13 and -14, and Global Response: Reconsideration of General Plan Consistency Determination. The comment is correct that the County will decide whether to approve or deny the Project. Although a legislative body's decision carries a strong presumption of regularity, it cannot be made arbitrarily, capriciously, or without evidential support. (No Oil, Inc. v. City of Los Angeles [1987] 196 Cal.App.3d 243.) With that in mind, the County prepared a detailed Project consistency analysis, which found that the Project was consistent with the policies of the General and Community Plans. Please refer to 2018 Global Response: Project Consistency with General Plan Policy LU-1.4, and to the HGV South Specific Plan, Section VI "General Plan Consistency Analysis." As described above, except for the issue of affordable housing, the courts found the Project to be consistent with the General Plan, Community Plan, SANDAG's Regional Plan, and, in particular, the Community Development Model and Policy LU-1.4 (expansion of an existing village). The County also concluded that in addition to General Plan consistency, the Project would help meet a projected long-term regional need for housing. The Project will be considered by the Board. **Response to Comment ReO6a-85** The commenter (an initial petitioner in the lawsuit that led to the Appellate Decision), wants the Board to reconsider its previous decision to approve the Project. They are asserting the same claims about the Project's inconsistency with the General and Community Plans raised in their original lawsuit. The comment fails to recognize that the County and then the courts have determined the Project is consistent with the policies of both the General and Community Plans, except for General Plan policies pertaining to affordable housing, which the Project has now corrected. Please refer to 2018 Global Responses: Project Consistency with General Plan Policy LU-1.4, and General Plan/Community Plan Amendments CEQA Impact Analysis, which directly addressed policies

COMMENTS	RESPONSES
  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. ReO6a-85 cont. 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."). ReO6a-86 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. ReO6a-87 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 . . ReO6a-88 	LU-1.4 and LU-1.2, respectively. These responses remain current and accurate. Please refer also to the Response to Comment PCO4b-2 of your May 23, 2018 letter, which expressly addressed these issues, as well as Global Response: Res Judicata and New Information. The County disagrees that the Project is inconsistent with the policies. Similarly, the County disagrees that there would be "massive grading" into on-site steep slopes. The subject was addressed in detail in EIR Section 3.1.5, *Land Use and Planning*, relative to ordinance consistency; as well as in Subchapter 2.1, *Aesthetics*, relative to visual effect. As shown in Section 3.1.5, approximately 44.3 acres of slopes on the property meet or exceed 25 percent slope, and 26.5 acres meet the preliminary definition of RPO steep slopes based on 25 percent slope and at least 50 feet of vertical rise. Of the approximately 7.7 acres of RPO steep slopes that would be impacted by the Project, the majority is either excepted (approximately 2.2 acres) or subject to waiver (approximately 4.7 acres). Less than 1 acre overall (0.88 acre) of protected RPO steep slope area would be permanently encroached upon, and that encroachment would fall within the allowable 10 percent per lot. The County disagrees that these numbers constitute "massive grading of the Site's (sic) steep slopes" and refers the reader to the above EIR sections as well as Appendix C to the 2018 EIR, *Resource Protection Study Steep Slope Waiver*, for additional detail. Wastewater service would require annexation into a sewer district, as described in the cited section of the EIR. Such would be completely consistent with village extension. The Project as proposed does not undermine the planned pattern of development but rather is consistent with approvable amendments to that pattern as demonstrated in the global responses cited in this response. **Response to Comment ReO6a-86** The comment states that the Community Plan policies are legally binding. It also specifically cites GP 1-12, stating that "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." The County agrees that the plans have the same weight of law and authority, but reiterates that such policies cannot be permanently binding. Plans are guidance documents, but the County makes project approval decisions based on specific project location and

COMMENTS	RESPONSES
	design, detailed and objective environmental analysis, and plan conformity review. Based on these considerations, a decision is made to approve or disapprove a project. Guidance documents cannot tie the County's hands in amending prior decisions. As stated in 2018 FEIR Section 8.3.2.3, it: *is contrary to well established California law that prohibits the unlawful delegation of legislative authority. A legislative body may not contract away its police power by restricting future legislative actions to the consent of other property owners. This would be considered an unlawful surrender of the County's legislative authority and an invalid "contracting" away of its police powers.* **Response to Comment ReO6a-87** The commenter reiterates policies from the Elfin Forest Harmony Grove Community Plan that are applicable to Elfin Forest rather than the Harmony Grove portion of the plan, and which were expressly raised and responded to in Response to Comment O3-11 of your 2018 comment letter. The issue was also pursued in the CEQA challenge to the Project, but the Court of Appeal did not find it to be of merit. This issue has been addressed. Please also refer to Global Response: Res Judicata and New Information. Even if a different policy is cited this time, the same reasoning applies and res judicata bars the litigation of issues that could have been raised but were not in the previous litigation. The commenter, who was the original petitioner, should have cited this policy if it was believed relevant. Please refer to Global Response: Res Judicata and New Information. **Response to Comment ReO6a-88** Please see Response to Comment ReO6a-86 regarding the use of the word "forbid." Relative to character, this issue was addressed in detail in 2018 FEIR Subchapter 2.1, *Aesthetics*, under such headings as "Massing and Scale" and "Perceived Contrast." With respect to the objective of providing a balance of urban and rural homes so rural voice is not lost, please see 2018 Global Responses: Project Consistency with General Plan Policy LU-1.4 and General Plan/Community Plan Amendments CEQA Impact Analysis; both of which

COMMENTS	RESPONSES
 . ."), 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. ReO6a-88 cont. 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. ReO6a-89 **B. The Project is inconsistent with General Plan Safety Policies.** ReO6a-90 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. ReO6a-91 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. ReO6a-92 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. 	discuss Project rural elements (including the development buffer area along western, southern, and eastern Project boundaries). The comment does not identify specific issues regarding substantive environmental analysis within the EIR regarding noise and traffic "and other impacts," but the reader is referred to detailed discussions in 2018 FEIR Subchapters 2.5 and 2.2, respectively, as well as the other sections in Chapters 2.0 and 3.0, wherein impact analysis was provided and mitigation as appropriate was specified. Please also refer to Global Response: Res Judicata and New Information. **Response to Comment ReO6a-89** The County disagrees that the appropriate findings cannot be made. Refer to Responses to Comments ReO6a-13, -14, and -85 through -88 responding specifically to Project consistency with the General Plan and Elfin Forest Harmony Grove Community Plan, compatibility with adjacent development, and public service availability. **Response to Comment ReO6a-90** The County disagrees; the Project is not inconsistent with policies governing safety. While the Safety Element has been updated since the 2018 FEIR was prepared, the objectives and policies have not been wholly altered from those considered for the Project. Individual policy issues raised below are discussed in the associated responses. **Response to Comment ReO6a-91** The Safety Element and Land Use Element of the General Plan have always been interrelated. The proposed General Plan Amendment was thoroughly evaluated in the EIR to identify potential hazards associated with the proposed increase in development density. The FEIR concluded, and it remains the case, that the Project would not result in a substantial increase in hazards and would be consistent with applicable General Plan policies with approval of a General Plan Amendment regarding incorporation of the Project into the adjacent village. **Response to Comment ReO6a-92** The Project does not conflict with the updated Safety Element policies described in the comment. As described in relation to the Project's Fire Code

COMMENTS	RESPONSES
  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. ReO6a-92 cont. 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. ReO6a-93 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* 	modification, the Project FPP and Project Evacuation Plan include a suite of measures that achieve an equivalent level of safety to providing secondary access; therefore, the Project achieves the intent of this key issue. Safety Element Policies S-2.1 and S-4.5 are discussed further in Responses to Comments ReO6a-58, -60, and -61; the Project is consistent with the FPP Guidelines aside from formatting changes and with the current Fire Code modification regulations. Safety Element Policies S-2.3 and S-6.3 are not applicable to an individual project, such as HGV South, as they relate to community-wide planning documents and analyses. Similarly, Safety Element Policies S-1.8 and S-3.3 require updates to be made by the County, not an individual project. Nonetheless, the Project is consistent with the current regulations and no conflict with the updated Safety Element is identified. References to updated County datasets are accurate, but updated County datasets do not necessarily translate to updated analyses where a Project is conservatively designed and evaluated, as is the case for HGV South. Again, please also refer to Global Response: 2024 Fire / Evacuation, which also includes discussion of plan checks against the most recent codes, ordinances, policies, etc. at the time of submittal under discussion of "California Attorney General Guidance of 2022." **Response to Comment ReO6a-93** The County and the Project documents do not disregard current planning documents prepared by the County. The majority of planning documents mentioned in the comment are County-wide, high-level, plans where changes in response procedures of the County have little direct applicability to individual projects such as HGV South. The 2018 FEIR analyzed Project consistency with the Operational Area Emergency Response Plan and the San Diego County Multi-Jurisdictional Hazard Mitigation Plan; no conflicts were identified. The responses above do not identify conflicts with current Safety Element standards reliant on the cited emergency planning documents. The Project also remains compliant with project-level regulations including the Fire Code and FPP Guidelines (refer to Global Responses: 2024 Fire / Evacuation and Res Judicata and New Information, as well as Response to Comment ReO6a-92). It remains the case that the Project would not conflict with County emergency response planning.

COMMENTS	RESPONSES
Comment Letter ReO6a Bianca Lorenzana October 7, 2024 Page 43 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. ReO6a-93 cont. 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 Hillsides 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.** ReO6a-94 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. SHUTE, MIHALY & WEINBERGER LLP	**Response to Comment ReO6a-94** The Project is not inconsistent with the listed Safety Element policies. The Safety Element policies provided in the comment describe a range of strategies for reducing wildfire risk, most of which are incorporated into the Project FPP in compliance with the Fire Code and FPP Guidelines, and in consideration of location-specific factors applicable to the Project site. The comment states that the Project is inconsistent with these policies; however, this statement is based on the incorrect assertion that the Project will exacerbate risks from wildfire and not provide appropriate response to wildfire hazard and evacuation needs. Neither is the case. Refer to the Global Response: 2024 Fire / Evacuation and to Response to Comment ReO6a-79 for the Appellate Court's conclusions.

COMMENTS	RESPONSES
Comment Letter ReO6a Bianca Lorenzana October 7, 2024 Page 44 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. ReO6a-94 cont. 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.** ReO6a-95 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 SHUTE, MIHALY & WEINBERGER LLP	**Response to Comment ReO6a-95** The County disagrees that the required findings cannot be made. First, the Project is consistent with the General Plan. Refer to 2018 Global Responses: Project Consistency with General Plan Policy LU-1.4, and General Plan/Community Plan Amendments CEQA Impact Analysis, for further discussion of the Project's consistency with the goals of the General Plan. Second, the County did not make findings that the site is physically unsuitable for the Proposed Project, or that substantial environmental damage or serious public health problems would occur. The County also did not find that the Project would result in public "health or safety problems." The layered fire protection system proposed by the Project has been described at length in 2018 Global Responses: Fire Hazards Impact Analysis, and Adequacy of Emergency Evacuation and Access, as well as Global Response: 2024 Fire / Evacuation.

COMMENTS	RESPONSES

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. ReO6a-95 cont.

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. ReO6a-96

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. ReO6a-97 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. ReO6a-98 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. ReO6a-99

This Project goes against the core planning principles of the General Plan and should be denied. ReO6a-100

Response to Comment ReO6a-96

The County disagrees that the findings for approval of a Major Use Permit cannot be made. In fact, appropriate findings to support approval were made in 2018, and no substantial change supporting deviation from that finding has occurred in the interim. Refer to Response to Comment ReO6a-95.

Response to Comment ReO6a-97

Refer to Response to Comment ReO6a-34. The RFEIR corrects the one CEQA environmental issue identified by the Court of Appeal in proposing a mitigation measure with adequate performance standards to reduce GHG emissions within the County. The only other issue identified by the Court was need for affordable housing, which also was addressed in the 2024 recirculation and is provided as a Project condition which must be implemented. No change in the environmental analysis results from this additional condition. The RFEIR, therefore, adequately corrects the one identified environmental issue requiring correction for CEQA compliance.

Response to Comment ReO6a-98

The County disagrees that the RFEIR violates CEQA, as it specifically addresses the one CEQA violation identified in the Court of Appeal. Specific changes in regulations identified in this comment letter have been discussed in the associated responses and no substantial changes in regulations resulting in changes to the conclusions of the 2018 FEIR or RFEIR have been identified. The RFEIR complies with CEQA and may be certified by the Board in concert with Project approval if that is their decision.

Response to Comment ReO6a-99

The Project has been extensively reviewed by County and third-party fire officials who have determined that the Project provides adequate fire protection measures and can safely be evacuated in the event of a wildfire. No additional modifications are required to achieve an acceptable level of safety. Refer to 2018 Global Responses: Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access, as well as Global Response: 2024 Fire / Evacuation.

COMMENTS	RESPONSES

Comment Letter ReO6a

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	ReO6a-101 ReO6b
Exhibit 2	Baseline Environmental Consulting Memorandum re Greenhouse Gas Emissions, dated October 1, 2024	ReO6c
Exhibit 3	Lokahi Group Memorandum re Infill Analysis, dated October 4, 2024	ReO6d
Exhibit 4	Letter from Elfin Forest Harmony Grove Town Council to Rancho Santa Fe Fire Protection District, dated July 19, 2024	ReO6e
Exhibit 5	Comments of Elfin Forest Harmony Grove Town Council re Harmony Grove Village South Final Environmental Impact Report, dated July 24, 2018	ReO6f
Exhibit 6	Comparative CalFire Maps of Fire Severity for Harmony Grove Area	ReO6g
Exhibit 7	California Natural Resources Agency, Final Statement of Reasons for Regulatory Action, Amendments to the State CEQA Guidelines, November 2018	ReO6h
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	ReO6i

Response to Comment ReO6a-100

The County disagrees that the Project conflicts with the General Plan. Opposition to the Project is noted, is part of the administrative record, and will be before decision makers during consideration of the Project.

Response to Comment ReO6a-101

Eight exhibits are provided along with the comment letter. Each of these exhibits is individually responded to below, as appropriate.

COMMENTS	RESPONSES
Comment Letter ReO6b **EXHIBIT 1**	

COMMENTS	RESPONSES

Comment Letter ReO6b

COVA Consulting
1906 Westminster 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. ReO6b-1 ReO6b-2

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). ReO6b-3

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. ReO6b-4

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

Response to Comment ReO6b-1

These are introductory comments providing commenter purpose and assumptions. They do not pertain to adequacy of the environmental analysis presented in the EIR and do not require response.

Response to Comment ReO6b-2

Comments noted. The County disagrees that the Project would represent a threat to public safety. Please see 2018 Global Responses: Fire Hazards Impact Analysis, and Adequacy of Emergency Evacuation and Access, regarding Project planning relative to evacuation. Also refer to Global Response: Res Judicata and New Information regarding fire severity zone mapping.

Response to Comment ReO6b-3

The comment and referenced Attachment A to Exhibit 1 provide the resume for the author of Exhibit 1 (Comment Letter ReO6b). No response is required.

Response to Comment ReO6b-4

These are background comments summarizing the Project setting. They do not pertain to adequacy of the environmental analysis presented in the EIR, with one exception are generally correct, and do not require response. It is noted that the Project site is not within a box canyon, as stated in the comment. Refer to "Global Response: Res Judicata and New Information under the heading "On-site Topography." The anecdotal evidence regarding evacuation frustrations during the Cocos Fire are noted and appreciated for their use in future regional evacuation planning. It is noted, however, that the experiences described do not equate to lack of safe evacuation availability.

COMMENTS	RESPONSES
Comment Letter ReO6b 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. ReO6b-4 cont. **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. ReO6b-5 **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). ReO6b-6 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 2	**Response to Comment ReO6b-5** The primary commenter (a petitioner in the previous litigation), has included this letter to once again introduce the conclusions of yet another expert (this time Thomas Cova, a Geography Professor at the University of Utah). The new expert provides his opinion regarding the safety of various exit roads from the Project site. As indicated above, however, the County is relying on local fire and evacuation experts from San Diego County Sheriff's Department, San Diego County Fire Protection District, fire professionals at Rancho Santa Fe Fire Protection District, a County hired, independent, third-party fire safety consulting firm (Rohde & Associates), and a County-certified consulting firm with 20+ years' experience in San Diego County. Please note, however, that "safe" routes are more determined by fire location than road specifics. For instance, a generally open and straight road may be judged unsafe for evacuation if a fire is burning in proximity and there is roadside fuel that could result in burn over. Similarly, a road with overhanging vegetation and relatively narrow lanes may be "safe" if the fire is burning in an opposite direction or at distance. It is also noted that commenter omits reference to Harmony Grove Village Parkway (HGV Parkway), which is in the immediate vicinity, also provides access to the east, and (unlike Harmony Grove Road [HGR]) does not parallel Escondido Creek. **Response to Comment ReO6b-6** The comment provides estimates of potentially evacuating vehicles for the Project and surrounding populations. The Project estimates are generally consistent with Dudek's estimates as summarized in the Project's FPP. Further, Dudek's evacuation estimates utilized a very low 500 vehicles per hour to account for congested conditions and the likelihood of livestock evacuations occurring simultaneously with resident populations. The comment is primarily describing the commenter's approach to evacuation analysis utilizing road capacity estimates versus departure times and (without evidence) determines that the roads will be the most constraining component of an evacuation event. The comment correctly notes that the Dudek analysis assumed key intersection control during an evacuation, an assumption that was confirmed by the San Diego County Sheriff's Department (Captain David Brown) who stated at the

COMMENTS	RESPONSES
Comment Letter ReO6b 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). ReO6b-6 cont. **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. ReO6b-7 3	Project's Planning Commission hearing that they could mobilize 100 officers to the scene in a short period of time. The comment speculates on a scenario where intersection control is not provided and presumes that a slower evacuation could result. The comments are speculative in nature and do not pertain to adequacy of the environmental analysis presented in the EIR. **Response to Comment ReO6b-7** The comment describes an evacuation scenario where only the HGV South population is evacuating. The scenario makes assumptions that are not supported by evidence or consideration of all evacuation options. For example, the comment assumes that evacuation must occur and that evacuees are not safe until they are past the HGR intersection heading north on Country Club Drive (CCD). This scenario intentionally ignores that: (1) HGV South has been recognized by fire officials and decision makers as offering the ability to temporarily refuge residents on site in the case where it is safer to do so than perform an evacuation that could expose evacuees to less safe conditions; (2) CCD and roads within HGV South offer three lanes, with two of those lanes available to move traffic out of the community; and (3) once vehicles reach the CCD and HGR intersection, vehicles would have up to four options for evacuation which would reduce evacuation times significantly from those presented in the comment's evacuation time table. Therefore, the scenario does not address Project-related actual, on-the-ground conditions that would facilitate evacuation or temporary safe sheltering on site.

COMMENTS	RESPONSES
Comment Letter ReO6b ReO6b-7 cont. ReO6b-8 ReO6b-9	**Response to Comment ReO6b-8** The comment presents a second evacuation scenario where HGV South and communities surrounding HGV South are evacuated simultaneously. Again, this scenario ignores the actual condition and options available and forces the area's population to evacuate via one road when there are at least four possible options for evacuation in the vicinity of the CCD/HGR intersection. Again, the comment also ignores potential to delay or avoid evacuation of the appropriately hardened newer master planned communities to focus evacuations on the more vulnerable older privately owned properties in the area. The evacuation times presented are considered accurate based on the artificially developed scenario of forcing all traffic to one evacuation point, but that scenario is unrealistic and seemingly designed to support the commenter's preferred conclusion. Please refer to Response to Comment ReO6b-7 for additional details regarding on-the-ground conditions that are ignored in this scenario and that provide for faster evacuation times and additional options during evacuations. **Response to Comment ReO6b-9** The comment provides an overly simplified comparison of fire spread rates versus evacuation times to determine whether an evacuation is compromised. This comment relies on faulty evacuation scenarios as described in Responses to Comments ReO6b-7 and -8 and ignores many basics of wildfire spread. Please refer to 2018 Global Response: Fire Hazards Impact Analysis and the Project's FPP for details regarding the actual fire hazard in the area and the type of wildfires that may impact the area. The potential for wildfire to ignite close to the area has been contemplated in the Project's FPP and a primary reason why temporary on-site sheltering capability has been built into the Project's design. The comment assumes that the entire population would be evacuating when in fact, depending on a wildfire's location and spread, focused areas may be evacuating in a phased approach to lessen traffic congestion, and further, evacuating via all available routes would be a standard practice to maximize volume of traffic movement. Therefore, while the comment's math appears to be accurate, it is based on unrealistic assumptions and ignores fire and law enforcement professional testimony and modern evacuation protocols.

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

4

COMMENTS	RESPONSES

Comment Letter ReO6b

cases that would not offer enough time for evacuation scenarios shown Table 2 (all of Harmony Grove) and a few of the ones shows 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).

ReO6b-9 cont.

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.

ReO6b-10

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

ReO6b-11

5

Response to Comment ReO6b-10

Comments noted regarding types of shelter in place options. They do not pertain to adequacy of the environmental analysis presented in the EIR and do not require response.

Response to Comment ReO6b-11

For clarification purposes, the approach to fire safety is not a "Dudek plan." Dudek is the firm that authored the Project FPP and Project Evacuation Plan, but as technical specialists subject to County and state safety regulations, the documents were developed in accordance with safety regulations and with oversight, input and revisions requested by the agencies in charge. The comment ignores that sheltering in place has been utilized on numerous occasions and over the years in southern California, including in the Stevenson Ranch community (2003). The comment incorrectly states that sheltering populations would occur only if the area was not directly impacted by a wildfire. In fact, if directed to shelter on site by fire and/or law enforcement officials, it is presumed that either the project is not expected to be impacted or an evacuation would expose people to wildfire and is considered less safe. While the scenario presented is understood to be a possible outcome in case of dire emergency, it is noted that recommendations to shelter in place rather than evacuate as first choice are not made in these documents. Shelter in place would be implemented only if adequate evacuation time was judged unavailable by qualified emergency responders. While the preferred approach is always evacuation from wildfires, the Project design and enforced maintenance over time results in a landscape and buildings that are built for the types of wildfire that may occur in the area and would not require evacuation if it was considered unsafe to do so. The contingency option of on-site refuge or sheltering is an accepted component of new, master planned communities.

The comment's statement that no community has been directed to shelter in place is inaccurate. For example, San Diego County ordered shelter in place for communities near a wildfire in Valley Center in the fall of 2024. Please refer to Global Response: 2024 Fire / Evacuation for details regarding the successful performance of master planned communities to wildfire, with no recorded lost

COMMENTS	RESPONSES
Comment Letter ReO6b 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. ReO6b-11 cont. ReO6b-12 ReO6b-13 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. ReO6b-14 **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] ReO6b-15 [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). 6	homes to wildfire. One can logically determine that codes designed to protect and minimize structural ignitions from wildfire and that have proven 100 percent effective in master planned communities since 2008, would also protect occupants, when designed, built, maintained, AND enforced by the local fire agency. Rancho Santa Fe Fire Protection District (RSFFPD) conducts inspections of important fire safety features annually and enforces abatement of observed issues. Fire agencies throughout California are confirming the potential for sheltering on site in properly protected developments as a critical contingency during wildfires. The comment concedes that the HGV South Project may be hardened but asks about existing homes that are not. The HGV South FPP and Project Evacuation Plan mention that people in more vulnerable homes now have refuge areas nearby and temporary shelter in place locales would open up roads to them for faster evacuations. Finally, the comment states that there is no way for officials to prepare residents for sheltering in place. This is incorrect as this is expressly addressed in the FPP and Project Evacuation Plan as part of ongoing HOA educational responsibilities. **Response to Comment ReO6b-12** The statement is incorrect. The HGV South FPP discusses neighbor evacuation (vehicle counts on the road combined with HGV South), and ability of those neighbors to shelter at HGV South if necessary. The FPP also discusses benefits of the Project in modifying fire behavior from the east due to the large fire break presented by the Project along with (Project-provided) reliable access across Escondido Creek and reliable fire-fighting water flows offered by the Project. **Response to Comment ReO6b-13** The comment is accurate. It implies, however, that decisions regarding staying in the house would be made without taking life and death considerations into account. Directions by emergency personnel to stay in the residence are only expected to be given in the extreme circumstance that evacuation itself is unsafe. Taking that into consideration, unknown mental and health considerations would have to be balanced against leaving the home in

COMMENTS	RESPONSES
	contradiction of safety assessments made by qualified emergency personnel. Regardless, that would be a call for the qualified emergency responders, and is beyond the purview of the individual project. **Response to Comment ReO6b-14** The comments appear to be general musings on the subject and do not directly address Project documents. As detailed in the Project Evacuation Plan, TRAs are areas that have characteristics that would minimize potential for wildfire ignition or spread. These areas, because of their lack of fuels and exposures, could be used as contingencies and safety nets and provide additional contingencies not available to all project areas, but available along the Harmony Grove evacuation routes. Again, please note that temporary refuge is only anticipated when evacuation would be less safe. The FPP does not suggest that shelter in place provides a level of protection equal to evacuation in all scenarios, but it may offer a higher level of protection than evacuations in some scenarios. To the extent that such temporary refuge would occur at HGV South or HGV, yes, it would be handicapped accessible. Number of evacuees routed there, travel time, presence of fire fighters, etc. are unknowns, as they would be dependent on a specific event scenario. No further response is required. **Response to Comment ReO6b-15** Refer to the Seguro Battery Energy Storage System (BESS), Solaris, and Yoz Projects portion of the Global Response: 2024 Fire / Evacuation under discussion of "Potential New Projects in the HGV South Vicinity".

COMMENTS	RESPONSES
Comment Letter ReO6b **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. ReO6b-16 **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. ReO6b-17 [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. 7	**Response to Comment ReO6b-16** Refer to Responses to Comments ReO6a-60 and -61. Specific to lane availability, it is expected that in the case of emergency, emergency vehicles would use a maximum of one lane to access the area and two lanes would be used for egress. Three lanes could be available if emergency vehicles did not require access and access was otherwise blocked off. Additionally, once arriving at HGR and CCD intersection, there are four identified and additional secondary evacuation routes that may be available during evacuation events. **Response to Comment ReO6b-17** The comment summarizes the commenter's presented evacuation scenario calculations before going on to address combined evacuation efforts without addressing options provided by HGV, Valiano, etc. Please refer to Responses to Comments ReO6b-6 through -16 for details regarding why the scenarios are unrealistic and ignore on-the-ground actualities to arrive at inaccurate results. It is noted that Dr. Cova is a Utah-based researcher, who based on his input and report did not visit the site. His opinion of overall Project safety conflicts with local fire and evacuation experts from San Diego County (refer to Responses to Comments ReO3-27 and ReO6b-5 for a full listing). It is the County's opinion that the Cova letter does not include a comprehensive understanding of the area, the HGV South Project, the multiple evacuation routes available from the CCD and HGR intersection, or the emergency management resources that are available during evacuations. The following pages of this letter consist of references cited and a resume for Dr. Cova. No responses are required.

References

Cova, T.J., Theobald, D.M, Norman, J., and Siebeneck, L.K. (2013) Mapping wildfire evacuation vulnerability in the western US: the limits of infrastructure. *Geojournal*, 78(2): 273-285.

Cova, T.J. (2005) Public safety in the urban-wildland interface: Should fire-prone communities have a maximum occupancy? *Natural Hazards Review*, 6(3): 99-108.

DUDEK (2018) *Wildland fire evacuation plan for the Harmony Village South Community*. Prepared for Rancho Santa Fe Fire Protection District. San Diego, May.

Figueroa, T. (2014) *Cocos fire traffic jam to be reviewed.* San Diego Tribune. June, 7. URL: https://www.sandiegouniontribune.com/2014/06/07/cocos-fire-traffic-jams-to-be-reviewed/ (accessed: 8/27/24).

Rohde & Associates (2016) Harmony Grove Village South wildfire risk analysis. Prepared for the Fire Marshal, San Diego County Fire Authority, April.

National Fire Protection Agency (NFPA). *Evacuation for household pets and horses.* URL: https://www.nfpa.org/education-and-research/wildfire/household-pets-and-horses (accessed 9/25/24).

COMMENTS	RESPONSES
Comment Letter ReO6b **ATTACHMENT 1**	

COMMENTS	RESPONSES

Comment Letter ReO6b

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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.

Comment Letter ReO6b

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.

COMMENTS	RESPONSES

Comment Letter ReO6b

RESEARCH AND SCHOLARSHIP

Edited volumes and special issues

2021 Curtin, K.M. and Cova, T.J. *Spatial Optimization and GIS*. ISPRS International Journal of Geo-Information (ISSN 2220-9964).

2017 Cova, T.J. and Tsou, M., *GIS Methods and Techniques*. Vol 1. in *Comprehensive Geographic Information Systems, B. Huang (EIC)*. Oxford:Elsevier.

2011 Cova, T.J. and Miles, S.B. (Eds). *Disaster Risk Reduction and Sustainable*, Sustainability (ISSN 2071-1050).

2008 Cova, T.J., Miller, H., Beard, K., Frank, A., Goodchild, M. (Eds.), *Geographic Information Science: 5th International Conference (GIScience 2008)*, Park City, Utah. Lecture Notes in Computer Science 5266, Springer-Verlag, Berlin.

Journal articles
(Student advisees underlined)

2024 Zhang, X., Zhao, X., Baldwin, D., McBride, S., Bellizzi, J., Cochran, E.S., Luco, N., Wood, M., Cova, T.J. Modeling protective action decision-making in earthquakes by using explainable machine learning and video data. *Scientific Reports*, 14(1), 5480.

2024 Forrister, A., Kuligowski, E.D., Sun, Y., Yan, X., Lovreglio, R. Cova, T.J., Zhao, X. Analyzing risk perception, evacuation decision and delay time: a case study of the 2021 Marshall Fire in Colorado. *Travel Behaviour and Society* 35, 100729

2023 Kuligowski, E.D., Waugh, N.A, Sutton, J., Cova, T.J. Ember alerts: assessing wireless emergency alert (WEA) messages in wildfires using the Warning Response Model. *Natural Hazards Review*, 24(2), 04023009.

2023 Riyadh, A.M., Cova, T.J., Medina, R.M., Collins, T.W. Comparing GIS-based flood resilience models in a developing nation: a case study in Bangladesh. *Natural Hazards Review*, 24(4).

2023 Xu, N., Lovreglio, R., Kuligowski, E.D., Cova, T.J., Nilsson, D., Zhao, X. Predicting and assessing wildfire evacuation decision making using machine learning: Findings from the 2019 Kincade Fire. *Fire Technology*, 59, 793-825.

2022 Bhattarai, A., Cova, T.J., Brewer, S. Perceived recovery trajectories in post-earthquake Nepal – a visual exploration with self-organizing maps. IEEE Open Journal of the Computer Society, 3, 111-121.

2022 Wu, A., Yan, X., Kuligowski, E., Lovreglio, R., Nilsson, D., Cova, T.J., Xu, Y., Zhao, X. Wildfire evacuation decision

COMMENTS	RESPONSES
Comment Letter ReO6b modeling using GPS data. International Journal of Disaster Risk Reduction, 83. 2022 Xu, Y. Zhao, X., Lovreglio, R., Kuligowski, E., Nilsson, D., Cova, T.J., Yan, X. A highway vehicle routing dataset during the 2019 Kincade Fire evacuation. *Scientific Data*, 9, 608. 2022 Zhao, X., Xu, Y., Lovreglio, R., Kuligowski, E. Nilsson, D., Cova, T.J., Wu, A., Yan, X. Estimating wildfire evacuation decision and departure timing using large-scale GPS data. Transportation Research Part D: Transport and Environment, 107. 2022 Kar, A., Wan, N., Cova, T.J., Wang, H., Lizotte, S.L. Using GIS to understand the influence of Hurricane Harvey on spatial access to primary care. *Risk Analysis*, Online: https://doi.org/10.1111/risa.13806. 2021 Cova, T.J., Li, D., Drews, F.A., Siebeneck, L.K. Toward simulating dire wildfire scenarios. *Natural Hazards Review*, 22(3): August. 2021 Siebeneck, L.K. and Cova, T.J. The disaster return-entry process: a discussion of issues, strategies, and further research. *Disaster Prevention and Management: an International Journal*. https://doi.org/10.1108/DPM-07-2020-0243. 2019 Li, D., Cova, T.J., Dennison, P.E. Why do we need a national address point database to improve wildfire public safety in the US? *International Journal of Disaster Risk Reduction, https://doi.org/10.1016/j.ijdrr.2019.101237* 2018 Li, D., Cova, T.J., Dennison, P.E. Setting wildfire evacuation triggers by coupling fire and traffic simulation models: a spatio-temporal GIS approach. *Fire Technology, 55: 617-642*. 2017 Li, D., Cova, T.J., Dennison, P.E. Setting wildfire evacuation triggers using reverse geocoding. *Applied Geography*, 84: 14-27. 2017 Cova, T.J., Dennison, P.E., Li, D., Drews, F.A., Siebeneck, L.K., Lindell, M.K., Warning triggers in environmental hazards: who should be warned to do what and when? *Risk Analysis*, 37(4): 601-611. 2016 Nicoll, K.A., Cova, T.J., Siebeneck, L.K., Martineau, E. Assessing "preparedness elevated": seismic risk perception and household adjustment in Salt Lake City, Utah. *Journal of Geography & Natural Disasters, 6: 168.* 2015 Li, D., Cova, T.J., Dennison, P.E., A household-level approach to staging wildfire evacuation warnings using trigger modeling. *Computers, Environment, & Urban Systems,* 54:56-67. 2015 Drews, F.A., Siebeneck, L.K., Cova, T.J., Information search and decision making in computer based wildfire simulations. 4	

COMMENTS	RESPONSES

Journal of Cognitive Engineering and Decision Making. 9(3): 229-240.

2015 Hile, R. and Cova, T.J. (2015) Exploratory testing of an artificial neural network classification for enhancement of the social vulnerability index. *ISPRS International Journal of Geo-Information,* 4(4): 1774-1790.

2014 Drews, F.A., Musters, A., Siebeneck, L.K., and Cova, T.J. Environmental factors that affect wildfire protective-action recommendations. *International Journal of Emergency Management,* 10(2): 153-168.

2014 Siebeneck, L.K., and Cova, T.J. Risk communication after disaster: re-entry following the 2008 Cedar River Flood. *Natural Hazards Review,* 15: 158-166.

2014 Dennison, P.E., Fryer, G.K., and Cova, T.J., Identification of fire fighter safety zones using lidar, *Environmental Modelling and Software*, 59: 91-97.

2013 Fryer, G., Dennison, P.E. and Cova, T.J. Wildland firefighter entrapment avoidance: modeling evacuation triggers. *International Journal of Wildland Fire,* 22(7): 883-893.

2013 Cova, T.J., Theobald, D.M, Norman, J., and Siebeneck, L.K., Mapping wildfire evacuation vulnerability in the western US: the limits of infrastructure. *Geojournal*, 78(2): 273-285.

2012 Siebeneck, L.K. and Cova, T.J., Spatial and temporal variation in evacuee risk perception throughout the evacuation and return-entry process. *Risk Analysis*, 32(9), 1468-1480.

2011 Cova, T.J., Dennison, P.E., Drews, F.A., Modeling evacuate versus shelter-in-place decisions in wildfires. *Sustainability,* 3(10): 1662-1687.

2011 Cao, L., Cova, T.J., Dennison, P.E., and Dearing, M.D., Using MODIS imagery to predict hantavirus risk. *Global Ecology and Biogeography,* 20: 620-629.

2011 Kobayashi, T., Medina, R., and Cova, T.J., Visualizing diurnal population change in urban areas for emergency management. *Professional Geographer*, 63: 113-130.

2011 Larsen, J.C., Dennison, P.E., Cova, T.J., Jones, C. Evaluating dynamic wildfire evacuation trigger buffers using the 2003 Cedar Fire. *Applied Geography,* 3: 12-19.

2010 Pultar, E., Cova, T.J., Yuan, M., and Goodchild, M.F., EDGIS: a dynamic GIS based on space-time points. *International Journal of Geographical Information Science*, 24: 329-346.

2010 Moffatt, S.F. and Cova, T.J., Parcel-scale earthquake loss estimation with HAZUS: a case-study in Salt Lake County, Utah. *Cartography and Geographic Information Science*, 37: 17-29.

2010 Anguelova, Z., Stow, D.A., Kaiser, J., Dennison, P.E., Cova, T.J., Integrating fire behavior and pedestrian mobility models to assess potential risk to humans from wildfires within the

COMMENTS	RESPONSES
Comment Letter ReO6b US-Mexico border zone. *Professional Geographer*, 62: 230-247. 2009 Cova, T.J., Drews, F.A., Siebeneck, L.K. and Musters, A., Protective actions in wildfires: evacuate or shelter-in-place? *Natural Hazards Review*, 10(4): 151-162. 2009 Pultar, E., Raubal, M., Cova, T.J., Goodchild, M.F. Dynamic GIS case studies: wildfire evacuation and volunteered geographic information. *Transactions in GIS*, 13: 84-104. 2008 Siebeneck, L.K., and Cova, T.J., An assessment of the return-entry process for Hurricane Rita 2005. *International Journal of Mass Emergencies and Disasters*, 26(2): 91-111. 2007 Goodchild, M.F., Yuan, M., and Cova, T.J., Towards a theory of geographic representation. *International Journal of Geographical Information Science*, 21(3): 239-260. 2007 Kim, T.H., and Cova, T.J., Tweening grammars: deformation rules for representing change between discrete geographic entities. *Computers, Environment & Urban Systems*, 31(3): 317-336. 2007 Dennison, P.E., Cova, T.J., and Moritz, M.A., WUIVAC: A wildfire evacuation trigger model applied in strategic scenarios. *Natural Hazards*, 40, 181-199. 2007 VanLooy, J. and Cova, T.J., A GIS-based index for comparing airline flight path vulnerability to volcanoes. *Professional Geographer*, 59(1): 74-86. 2006 Sutton, P.C., Cova, T.J., Elvidge, C., Mapping "Exurbia" in the conterminous U.S. using nighttime satellite imagery. *Geocarto International*, 21(2): 39-45. 2006 Kim, T.H., Cova, T.J., and Brunelle, A., Exploratory map animation for post-event analysis of wildfire protective action recommendations. *Natural Hazards Review*, 7(1): 1-11. 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. *Transactions in GIS*, 9(4): 603-617. 2005 Cova, T.J., Public safety in the urban-wildland interface: Should fire-prone communities have a maximum occupancy? *Natural Hazards Review*, 6(3): 99-108. 2004 Cova, T.J., Sutton, P.A, Theobald, D.M., Exurban change detection in fire-prone areas with nighttime satellite imagery. *Photogrammetric Engineering & Remote Sensing*, 70: 1249-1257. 2003 Cova, T.J., and Johnson, J.P., A network flow model for lane-based evacuation routing. *Transportation Research Part A: Policy and Practice*, 37: 579-604. 2002 Cova, T.J. and Johnson, J.P., Microsimulation of neighborhood evacuations in the urban-wildland interface. *Environment and Planning A*, 34: 2211-2229. 2002 Cova, T.J. and Goodchild, M.F., Extending geographic representation to include fields of spatial objects. 6	

COMMENTS	RESPONSES

International Journal of Geographic Information Science, 16: 509-532.

2000 Cova, T.J., and Church, R.L., Contiguity constraints for single-region site search problems. *Geographical Analysis*, 32: 306-329.

2000 Church, R.L., and Cova, T.J., Mapping evacuation risk on transportation networks with a spatial optimization model. *Transportation Research Part C: Emerging Technologies*, 8: 321-336.

2000 Cova, T.J., and Church, R.L., Exploratory spatial optimization in site search: a neighborhood operator approach. *Computers, Environment, & Urban Systems*, 24: 401-419.

2000 Radke, J., Cova, T.J., Sheridan, M.F., Troy, A., Lan, M., and Johnson, R., Application challenges for GIScience: implications for research, education, and policy for risk assessment, emergency preparedness and response, *Urban and Regional Information Systems Association (URISA) Journal*, 12: 15-30.

1997 Cova, T.J., and Church, R.L., Modeling community evacuation vulnerability using GIS. *International Journal of Geographical Information Science*, 8: *763-784.*

Book Chapters and Sections

2024 Cova, T.J. and Drews, F.A. Wildfire protective actions and collective spatial cognition. *Collective Spatial Cognition,* D.M. Montello and K.M. Curtin (eds).

2019 Cova, T.J., *Evacuation*. Encyclopedia of Wildfires and Wildland-Urban Interface (WUI) Fires.

2017 Cova, T.J., Data model: o-fields and f-objects. The International Encyclopedia of Geography, 1-5.

2016 Cova, T.J., Evacuation Planning, in *Encyclopedia of Transportation*, SAGE Publications, M. Garrett (ed.), pp.

2004 Cova, T.J., and Conger, S., Transportation hazards, in *Handbook of Transportation Engineering*, M. Kutz (ed.), pp. 17.1-17.24.

1999 Cova, T.J., GIS in emergency management. In *Geographic Information Systems: Principles, Techniques, Applications, and Management*, Longley, P., Goodchild, M.F., Maguire D., Rhind D. (eds), pp. 845-858.

Conference Papers and Posters

2022 Wood M, Zhang X, Zhao X, McBride S, Luco N, Baldwin D, Cova T., Earthquake Early Warning: Toward Modeling Protective Actions. *Proceedings of the 12th National Conference in Earthquake Engineering, Earthquake Engineering Research Institute*, Salt Lake City, UT. 2022.

COMMENTS	RESPONSES
Comment Letter ReO6b	

2019 Cova, T.J., Geosimulating hazard warning triggers: geometry, dynamics, and timing. *GeoCompuation '19*, September 19, Queenstown, New Zealand.

2015 Li, D., Cova, T.J., Dennison, P.E., An open-source software system for setting wildfire evacuation triggers. ACM SIGSPATIAL EM-GIS'15, November 3, 2015, Seattle, WA.

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.

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 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.

2000 Atwood, G., and Cova, T.J., Using GIS and linear referencing to analyze the 1980s shorelines of Great Salt Lake, Utah, USA. *4th International Conference on Integrating GIS and Environmental Modeling (GIS/EM4): Problems, Prospects and Research Needs*. Banff, Alberta, Canada, September 2-8.

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.

Comment Letter ReO6b

1995 Cova, T.J., and Church, R.L., A spatial search for neighborhoods that may be difficult to evacuate, *Proceedings GIS/LIS '95*, ACSM/ASPRS, Nashville, TN, vol. 1, 203-212.

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, *Proceedings GIS/LIS '95*, ACSM/ASPRS, Nashville, TN, vol. 1, 354-364.

1994 Cova, T.J. and Goodchild, M.F., Spatially distributed navigable databases for intelligent vehicle highway systems, *Proceedings GIS/LIS '94*, ACSM, Phoenix, AZ, 191-200.

Other Publications

2018 Wei, R., Golub, A., Wang, L., Cova, T.J. *Evaluating and enhancing public transit systems for operational efficiency and access equity*. TREC Final Report, NITC-RR-1024.

2018 Wei, R., Golub, A., Wang, L., Cova, T.J. *Integrated performance measures: transit equity & efficiency*. TREC Final Report, NITC-RR-1024.

2008 Siebeneck, L.K. and Cova, T.J. Risk perception associated with the evacuation and return-entry process of the Cedar Rapids, Iowa flood. Quick Response Research Report, Natural Hazards Center, University of Colorado, Boulder.

2006 Cova, T.J., *Concerning Stonegate and Public Safety*. North County Times, San Diego, California, Nov. 3.

2002 Cova, T.J., Like a bat out of hell: simulating wildfire evacuations in the urban interface, *Wildland Firefighter Magazine*, November, 24-29.

2000 Cova, T.J., When all hell breaks loose: firestorm evacuation analysis and planning with GIS, *GIS Visions Newsletter*, August, The GIS Cafe.

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.

COMMENTS	RESPONSES

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.

Comment Letter ReO6b

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.

COMMENTS	RESPONSES
Comment Letter ReO6b 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. 12	

COMMENTS	RESPONSES

Comment Letter ReO6b

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 GeographersAnnual 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.

COMMENTS	RESPONSES
Comment Letter ReO6b 2021 - 2023 Zhao, X. and Cova, T.J. (PI). *Determining Optimal Protective Actions in Earthquakes with Data Science Techniques*. 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., *Enabling the Next Generation of Hazards Researchers*. 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. *RAPID: Evacuation Decision-making process of Hospital Administrators in Hurricane Harvey*. 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., *Protective action triggers*. National Science Foundation, Civil Mechanical and Manufacturing Innovation – Infrastructure Management and Extreme Events, $419,784. 2012 – 2014 Cova, T.J. (PI), *State Hazard Mitigation Mapping II*. Utah Division of Emergency Management, $51,608. 2011 – 2012 Cova, T.J. (PI), *State Hazard Mitigation Mapping*. Utah Division of Emergency Management, $51,608. 2007 – 2010 Cova, T.J. (PI) and Drews, F.A. *Protective-action decision making in wildfires*. 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. *Integration of geographic complexity and dynamics into geographic information systems,* National Science Foundation, Social and Behavioral Science—Geography and Spatial Sci., $250,000. 2003– 2004 Cova, T.J. (PI) *Mapping the 2003 Southern California Wildfire Evacuations*, 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. *The effect of anthropogenic disturbance on the dynamics of Sin Nombre*, 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. *National Consortium for Remote Sensing in Transportation:* 15	

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.

Comment Letter ReO6b

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.

Comment Letter ReO6b

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.

COMMENTS	RESPONSES

Comment Letter ReO6b

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

COMMENTS	RESPONSES

Comment Letter ReO6b

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

Comment Letter ReO6b

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

Comment Letter ReO6b

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: *Jeanne X. Kasperson Award*, Hazards, Risk & Disasters Specialty Group, Association of American Geographers.
2010	L. Cao, Ph.D. Geography: *Student Paper Award*, Spatial Analysis and Modeling (SAM) Specialty Group, Association of American Geographers.
2008	L. Siebeneck, M.A. Geography: *Jeanne X. Kasperson Award*, 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

Comment Letter ReO6b

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

COMMENTS	RESPONSES
Comment Letter ReO6b 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 25	

COMMENTS	RESPONSES
Comment Letter ReO6c **EXHIBIT 2**	

COMMENTS	RESPONSES
Comment Letter ReO6c BASELINE ENVIRONMENTAL CONSULTING 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. ReO6c-1 **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.* ReO6c-2 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 388 17th Street, Suite 230, Oakland, CA 94612 | (510) 420-8686 | www.baseline-env.com Mailing Address: PO Box 18586, Oakland, CA 94619	**Response to Comment ReO6c-1** These are primarily introductory comments and summaries of the following, more detailed comments. Specific responses to the comments related to the GHG emissions analysis and suggested need for additional mitigation are provided in Responses to Comments ReO6c-2 through -10. **Response to Comment ReO6c-2** Project VMT was not underestimated in the RFEIR analysis. Refer to Response to Comment ReO6a-30, which explains the application of default trip type weighting to the average trip length. The comment as to errors in the calculations is incorrect. As a result, the suggestion for additional related mitigation is unnecessary. Modeling stands as circulated.

Comment Letter ReO6c

BASELINE ENVIRONMENTAL CONSULTING

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

	Average Daily Trip Rate			Unmitigated
Land Use	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 (CO_2e) 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 $MTCO_2e$ per year, which is approximately 368 $MTCO_2e$ greater than the reported emissions in the RFEIR.

ReO6c-2 cont.

Table 2. Corrected GHG Emissions Analysis for Project-Generated VMT

Source	RFEIR Analysis ($MTCO_2e$/Year)[1]	Baseline Analysis ($MTCO_2e$/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.

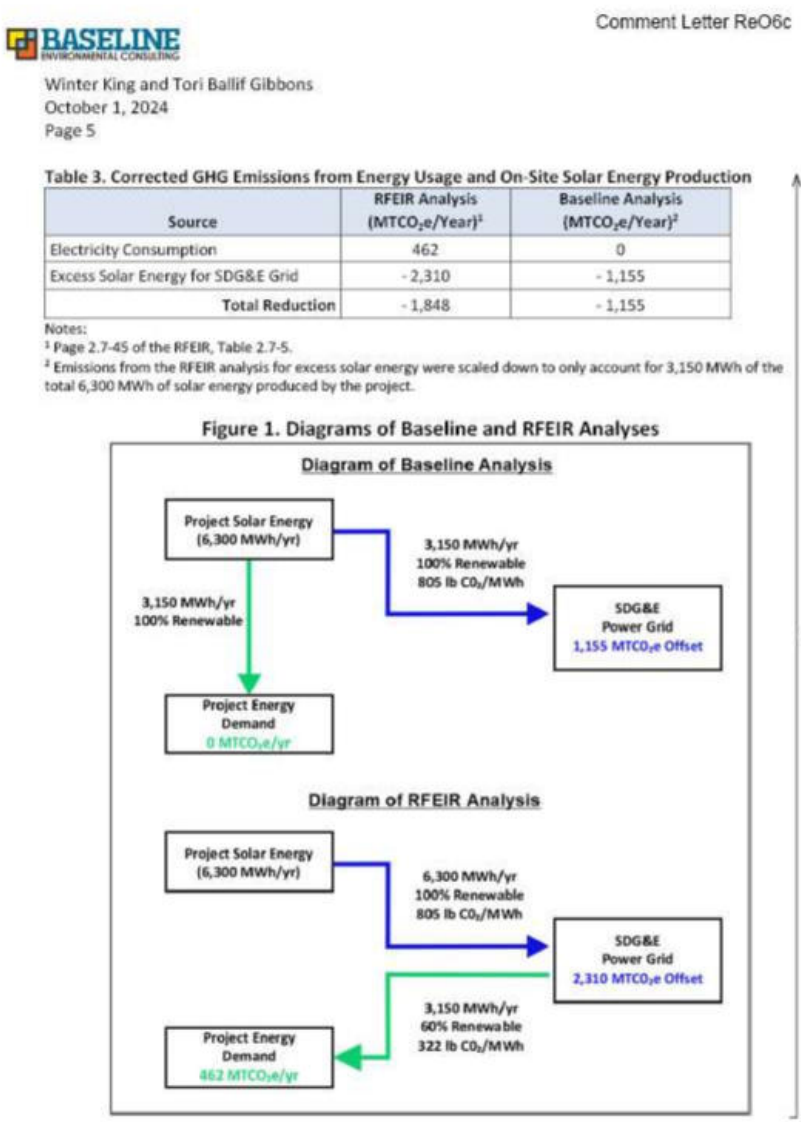
ReO6c-3

Response to Comment ReO6c-3

This is an informational paragraph about the 2022 Energy Code and the notice that the commenter has prepared an analysis. No response is required.

COMMENTS	RESPONSES
Comment Letter ReO6c BASELINE ENVIRONMENTAL CONSULTING Winter King and Tori Ballif Gibbons October 1, 2024 Page 3 **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. 6,300 MWh (Solar Energy Production) - 3,150 MWh (Solar Energy Consumption) = 3,150 MWh (Excess Solar Energy) 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 $MTCO_2e$ 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 CO_2 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 $MTCO_2e$ per year for on-site energy use. This is substantially less than the GHG emissions reduction calculated in the RFEIR, as discussed below. ReO6c-4 ReO6c-5	**Response to Comment ReO6c-4** The comment summarizes 2024 technical information provided in the *Global Climate Change Report* and summarized in the RFEIR. No response is needed. **Response to Comment ReO6c-5** The comment introduces assumptions made by Baseline related to the Project's energy source GHG emissions. The County disagrees with these assumptions where they vary from the recirculated analysis and finds the recirculated information related to Project electricity generation and offset of GHG emissions related to energy use accurate. Please refer to Responses to Comments ReO6c-6 through -9 for specific discussion of each assumption.

COMMENTS	RESPONSES
Comment Letter ReO6c BASELINE ENVIRONMENTAL CONSULTING Winter King and Tori Ballif Gibbons October 1, 2024 Page 4 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. ReO6c-5 cont. 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 CO_2 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 $MTCO_2e$ 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 CO_2 from non-renewable energy sources. ReO6c-6 Subtracting 462 $MTCO_2e$ per year (estimated project emissions) from 2,310 $MTCO_2e$ per year (estimated emissions offset), the RFEIR estimated that the project would reduce GHG emissions related to electricity use/generation by 1,848 $MTCO_2e$ per year, approximately 700 $MTCO_2e$ 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. ReO6c-7 ReO6c-8 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. ReO6c-9	**Response to Comment ReO6c-6** The comment summarizes information provided and assumptions made in the Project GHG analysis contained in the RFEIR. One incorrect statement is made. The 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. With the provision of an on-site solar system that generates more electricity than the Project requires, the surplus energy would be fed back to SDG&E and would offset this additional non-renewable generation. Thus, the RFEIR's GHG calculations account for the offsetting or avoidance of the Project's energy demand emissions, as well as reductions in off-site non-renewable GHG emissions that would be generated if the Project's renewable energy was not available. Therefore, this approach decreases reliance on non-renewable energy sources and would not draw from SDG&E's existing renewable resources. In fact, the Project would allow for the energy from SDG&E renewables to go to other users and increase the amount of SDG&E's renewable resources on the grid. **Response to Comment ReO6c-7** The requirements of the 2022 Energy Code do not change the fact the on-site renewable energy generated by Project-installed solar will offset or avoid the need for additional non-renewable energy generation. Even though there are regulations in place mandating the installation of solar panels, it does not mean that the Project's installation of these solar panels doesn't count towards GHG

COMMENTS	RESPONSES
	reductions. As the availability of renewable energy resources on the grid is relatively fixed, the Project meeting its demand and providing surplus energy to SDG&E offsets additional non-renewable energy generation (refer to Response to Comment ReO6c-6). It is essential to show the real GHG avoidance of the Project as it relates to CEQA and a comparison with baseline conditions. For example, local governments often count GHG reductions from regulations in their climate action plans, which ultimately should be done since renewables don't offset renewables but rather offset non-renewable energy generation. This logic is highlighted by Figure 1 of the comment letter. If the energy were not used on the Project site, it would go to additional users and result in a net reduction in the requirement for non-renewable energy resources. Comparing the Project's energy demand and associated GHG emissions with and without solar is the appropriate method for establishing GHG avoidance. **Response to Comment ReO6c-8** The analysis does not assume that all electricity generated by the Project's solar panels would flow to the grid and not be used to serve Project energy demand; refer to Response to Comment ReO6c-6. The new electricity demand of the Project would be met from renewable sources consistent with the comment's discussion of the 2022 Energy Code. Please note, however, that whether the new renewable energy generated by on-site solar panels is immediately used on site or transferred to the SDG&E grid, the overall avoidance and offsetting of GHG emissions from non-renewable energy generation is the same as presented in the RFEIR. **Response to Comment ReO6c-9** Both of the "unsupported assumptions" identified have been fully supported in Responses to Comments ReO6c-6 through -8 and the revised GHG emissions from Baseline shown in Table 3 are incorrect. GHG avoidance from renewables offsetting non-renewables is the purpose of the Project proposal to provide more solar than is required to serve its energy demand. The rate of GHG emissions avoidance associated with taking electricity from the grid is appropriate, as the cumulative average emissions factor would not actually be applied to the Project given the fixed portfolio of renewable energy resources.

Comment Letter ReO6c

BASELINE ENVIRONMENTAL CONSULTING

Winter King and Tori Ballif Gibbons
October 1, 2024
Page 5

Table 3. Corrected GHG Emissions from Energy Usage and On-Site Solar Energy Production

Source	RFEIR Analysis ($MTCO_2e$/Year)[1]	Baseline Analysis ($MTCO_2e$/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

ReO6c-9 cont.

COMMENTS	RESPONSES

Comment Letter ReO6c

BASELINE ENVIRONMENTAL CONSULTING

Winter King and Tori Ballif Gibbons
October 1, 2024
Page 6

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 $MTCO_2e$ 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 $MTCO_2e$ 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 ($MTCO_2e$/Yr)[1]	Baseline Analysis ($MTCO_2e$/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.

ReO6c-10

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.

ReO6c-11

Sincerely,

Patrick Sutton
Principal Environmental Engineer

Response to Comment ReO6c-10

As indicated in the prior responses to Comment Letter ReO6c, the comment letter does not accurately quantify the Project's GHG emissions from mobile or electrical sources. Therefore, the existing analysis in the RFEIR concluding that the Project would generate 1,038.20 MT CO2e after all feasible Project design features (PDFs) are included remains accurate.

As the conclusion of the RFEIR that the Project would generate 1,038.20 MT CO2e after all feasible PDFs are included remains accurate, no additional mitigation would be required for the Project to result in net zero GHG emissions. No changes to M-GHG-1 are required and it remains the case that with implementation of M-GHG-1, the mitigated Project would have no net increase in GHG emissions. Therefore, the mitigated Project would not generate GHG emissions that may have a significant impact on the environment and no change to the EIR CEQA conclusions is required.

Response to Comment ReO6c-11

This comment is a summary conclusion. Specific responses to the comments related to the GHG emissions analysis and need for additional mitigation are provided in Responses to Comments ReO6c-2 through -11. As described in those responses, the County finds that the RFEIR accurately addresses potential GHG emissions impacts of the Project and identifies adequate mitigation for the Project impacts, resulting in a less than significant GHG emissions impact. Revisions to the 2024 GHG emissions analysis are not required.

The following attachment to this letter consists of a resume for Patrick Sutton. No responses are required.

COMMENTS	RESPONSES
Comment Letter ReO6c **ATTACHMENT A** **Staff Resume**	

Comment Letter ReO6c

BASELINE ENVIRONMENTAL CONSULTING

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.

COMMENTS	RESPONSES
Comment Letter ReO6d # EXHIBIT 3	

COMMENTS	RESPONSES
Comment Letter ReO6d **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* ReO6d-1 10555 N. 114th Street, Suite 105 Scottsdale, AZ 85259 480.536.7150 www.lokahigroup.com	**Response to Comment ReO6d-1** Initial text includes introductory comments. They do not pertain to adequacy of the environmental analysis presented in the EIR and do not require response. As stated in Response to Comment ReO6a-42, the Project prepared an Infill Analysis to determine if the Project also met the County's infill requirements, as outlined in Section 3.3.1 of the 2022 TSG. At the time of preparation of Subchapter 2.7 and Attachments, the County was involved in litigation regarding two of its VMT thresholds: (1) "infill" projects proposed to be built within the County's unincorporated villages (the infill threshold); and (2) projects expected to generate no more than 110 automobile trips per day. The California Court of Appeal, Division One, has since held that the evidentiary record developed by the County failed to support the adopted thresholds, and on that basis held the two thresholds were found noncompliant with CEQA. The Court explained that a significance threshold adopted for general use must be supported by substantial evidence (CEQA Guidelines Section 15064.7[b]). In the context of adopting a significance threshold for the entire county, there must be some showing that development consistent with the adopted infill threshold will normally or likely result in an insignificant transportation effect. To be clear, the Project is not relying on an exemption from the TSG based on the Infill Analysis and the Project's election to prepare an Infill Analysis does not change the fact that the Project is ***not*** required to prepare a VMT analysis. (Refer also to Response to Comment ReO1-5, and Global Response: Res Judicata and New Information.) In any event, as a result of the above-noted decision, the Infill Analysis is no longer relevant for determining whether the Project met the infill requirements of the 2022 TSG.

COMMENTS	RESPONSES

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 Harmoney 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.

ReO6d-1 cont.

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

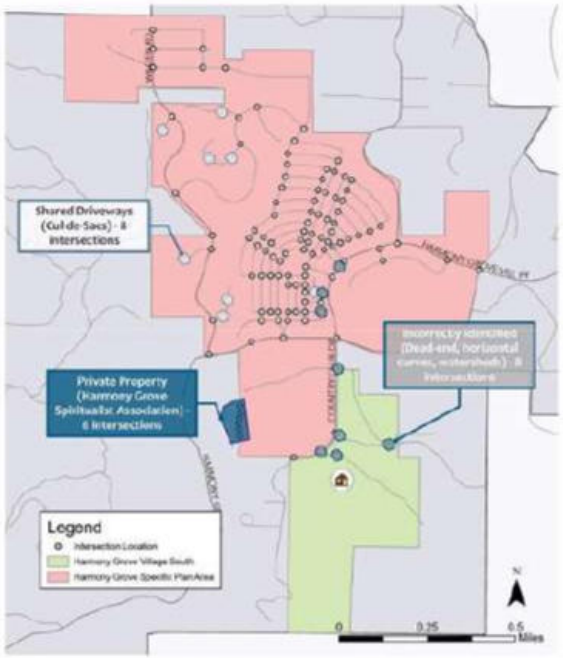
The Harmony Grove Village South memo involves inconsistencies regarding the number of intersections present within the two (2) components of the Harmony Grove residential development.

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.

COMMENTS	RESPONSES
Comment Letter ReO6d Harmony Grove Village South – Infill Analysis *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. ReO6d-1 cont. Lokahi 3	

COMMENTS	RESPONSES
Comment Letter ReO6d Harmony Grove Village South – Infill Analysis  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. 4 ReO6d-1 cont.	

COMMENTS	RESPONSES
Comment Letter ReO6d Harmony Grove Village South – Infill Analysis 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.** ReO6d-1 cont. Lokahi 5	

COMMENTS	RESPONSES
Comment Letter ReO6d Harmony Grove Village South – Infill Analysis **ATTACHMENT A – *HARMONY GROVE VILLAGE SOUTH – INFILL ANALYSIS*** Lokahi A	

Comment Letter ReO6d

Intersecting Metrics

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 it's *Transportation Study Guidelines (TSG), September 2022*[1].

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.

ReO6d-2

2.0 County of San Diego VMT Screening Analysis

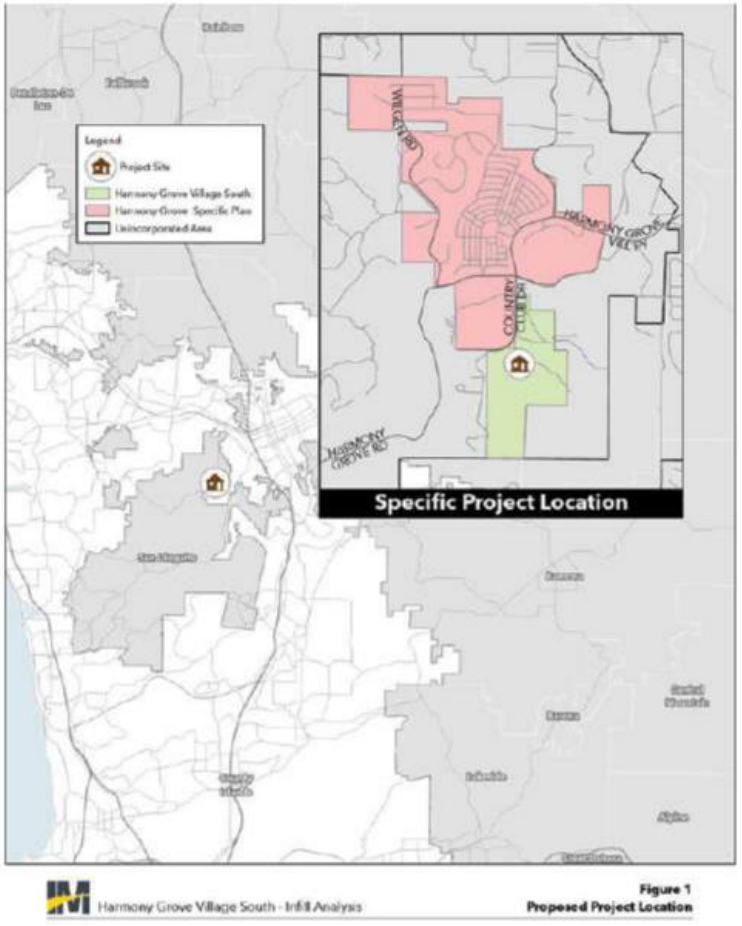
In response to the enactment of California Senate Bill 743 and the December 2018 update to the California Environmental Quality Act (CEQA) Guidelines, the County of San Diego updated the significance thresholds for transportation-related impacts, as outlined the revised *Transportation Study Guidelines* (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 maps[2] 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.

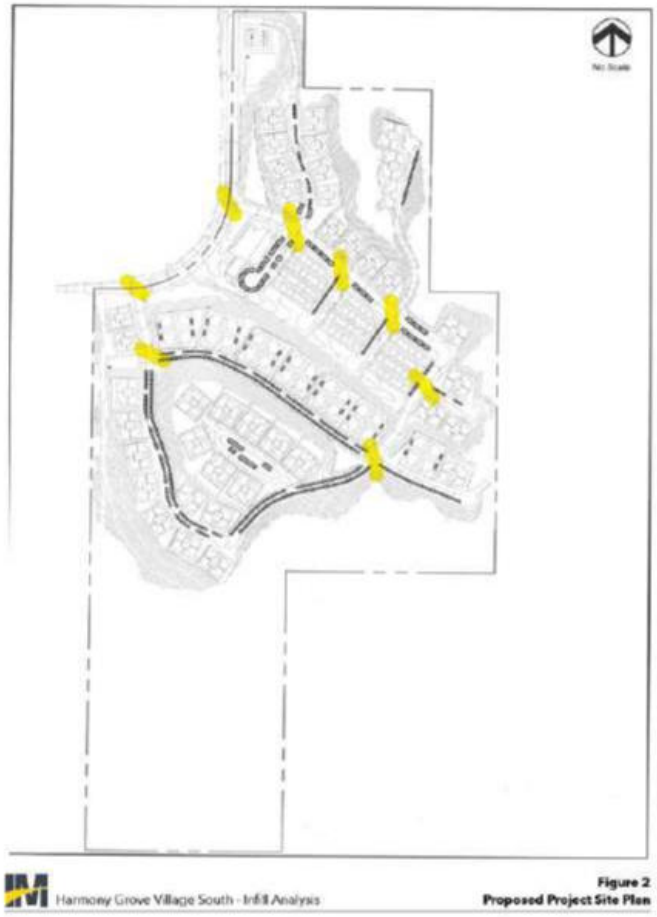
[1] https://www.sandiegocounty.gov/content/dam/sdc/pds/SB743/Transportation%20Study%20Guide%20-%20FINAL%20-%20September%202022.pdf

[2] https://www.sandiegocounty.gov/content/sdc/pds/SB743.html

Response to Comment ReO6d-2

Refer to Response to Comment ReO6d-1, above, regarding why this attachment to Comment ReO6d (including the associated modeling) is immaterial to the Project.

COMMENTS	RESPONSES
Comment Letter ReO6d  Figure 1 Proposed Project Location Harmony Grove Village South - Infill Analysis ReO6d-2 cont.	

COMMENTS	RESPONSES
Comment Letter ReO6d  Harmony Grove Village South - Infill Analysis Figure 2 Proposed Project Site Plan ReO6d-2 cont.	

COMMENTS	RESPONSES

Comment Letter ReO6d

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.

385 units/sq mi

1. **Household density.** In an area with a household density of ~~425 housing units/square mile~~[3] or higher.
2. **Intersection density.** In an areas with an intersection density above 128 intersections/square mile.
3. **Jobs Accessibility.** Has a Job Accessibility Score[4] of 12.73 or higher.

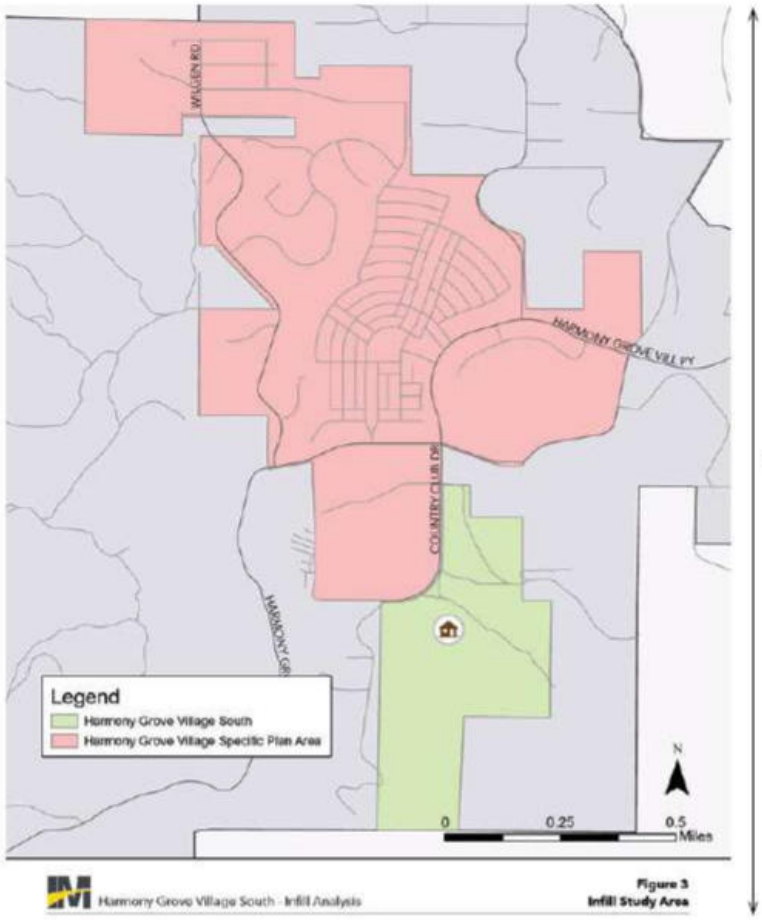
The County of San Diego's SB 743 Screening Map was conducted at a Countywide level, utilizing Traffic Analysis Zones (TAZs) the study area boundaries and factoring in housing and intersection densities from adjacent incorporated jurisdictions. The Housing and intersection densities were derived from 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**.

ReO6d-2 cont.

[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.

Page 4

COMMENTS	RESPONSES
Comment Letter ReO6d  ReO6d-2 cont.	

COMMENTS	RESPONSES

Comment Letter ReO6d

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**.

ReO6d-2 cont.

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.

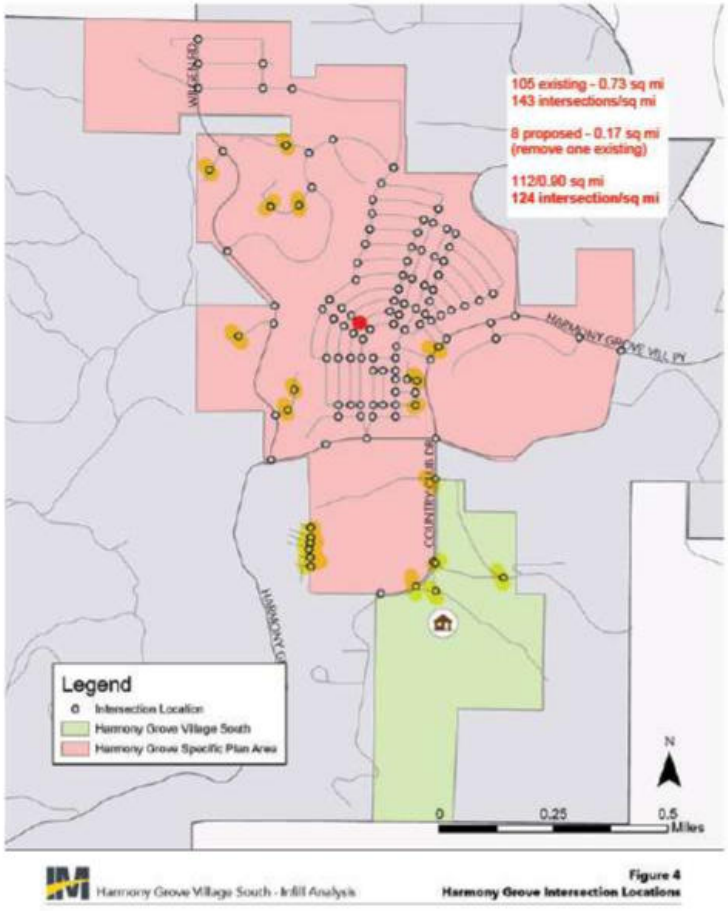
Household Density

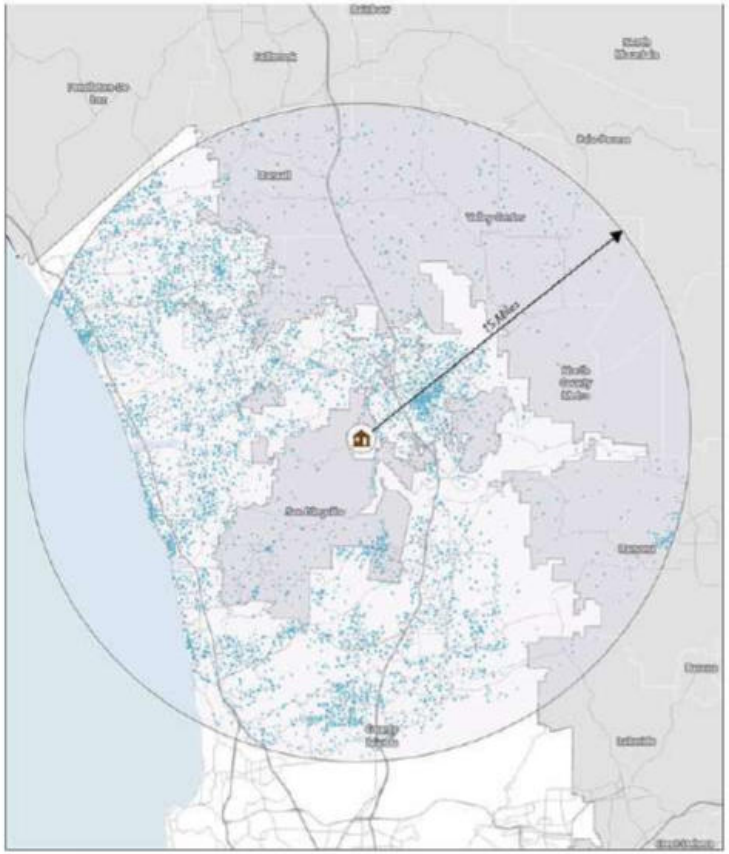
As noted previously, the Harmony Grove Village Specific Plan area has a total of 736 existing dwelling units that have been built and are fully occupied. The Proposed Project site would add an additional 453 dwelling units resulting in 1,189 total units between both sites, with an increased housing density 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.

Page 6

COMMENTS	RESPONSES
Comment Letter ReO6d  Figure 4 Harmony Grove Village South - Infill Analysis Harmony Grove Intersection Locations ReO6d-2 cont.	

COMMENTS	RESPONSES
Comment Letter ReO6d  Harmony Grove Village South - Infill Analysis Figure 5 Job Accessibility Analysis ReO6d-2 cont.	

COMMENTS	RESPONSES
Comment Letter ReO6d 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 ReO6d-2 cont. 	Metric	Standard	Existing Conditions	Meets Standard?	With Project Conditions	Meets Standard?	Change
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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. Page 8	

COMMENTS	RESPONSES
Comment Letter ReO6d **Attachment A** **Existing Parcel Data** Page 9	

COMMENTS

RESPONSES

Comment Letter ReO6d

APN	Street	Suffix	#	Units
2355604600	OVERLOOK POINT	DR	0	0
2355613200	OVERLOOK POINT	DR	2682	1
2355613100	OVERLOOK POINT	DR	2678	1
2355610400	OVERLOOK POINT	DR	2685	1
2355603800	COUNTRY CLUB	DR	0	0
2355602100	OVERLOOK POINT	DR	2717	1
2355613900	OVERLOOK POINT	DR	0	0
2355620400	HARMONY GROVE VILLAGE	PKWY	0	0
2355704100	FISHERS	PL	2839	1
2355703200	TRAIL BLAZER	LN	21416	1
2355701700	RIDING TRAIL	DR	21445	1
2355700400	TRAIL BLAZER	LN	21473	1
2355704200	FISHERS	PL	2831	1
2355702600	TRAIL BLAZER	LN	21452	1
2355705900	TRAIL BLAZER	LN	0	0
2355702300	RIDING TRAIL	DR	21409	1
2355705400	CALIFORNIA POPPY	ST	2815	1
2355703900	FISHERS	PL	2855	1
2355712000	STARRY NIGHT	DR	2815	0
2355711700	TRAIL BLAZER	LN	21505	0
2355720700	HARMONY GROVE	RD	2850	0
2355613500	OVERLOOK POINT	DR	2694	1
2355604400	OVERLOOK POINT	DR	0	0
2355614300	OVERLOOK POINT	DR	0	0
2355603600	OVERLOOK POINT	DR	2760	1
2355601600	OVERLOOK POINT	DR	2737	1
2355603900	OVERLOOK POINT	DR	0	0
2355613800	OVERLOOK POINT	DR	0	0
2355620500	HARMONY GROVE VILLAGE	PKWY	0	0
2355702700	TRAIL BLAZER	LN	21446	1
2355704500	FISHERS	PL	2846	1
2355704800	FISHERS	PL	2822	1
2355700100	TRAIL BLAZER	LN	21455	1
2355705700	FISHERS	PL	0	0
2355706100	RIDING TRAIL	DR	0	0
2355720400	HARMONY GROVE	RD	0	0
2355705600	TRAIL BLAZER	LN	21485	0
2355720600	HARMONY GROVE	RD	0	0
2355720500	HARMONY GROVE	RD	2982	0
2355603500	OVERLOOK POINT	DR	2764	1
2355603300	OVERLOOK POINT	DR	2750	1
2355600400	OVERLOOK POINT	DR	2785	1
2355604700	OVERLOOK POINT	DR	0	0
2355604500	OVERLOOK POINT	DR	0	0
2355610800	OVERLOOK POINT	DR	2669	1
2355614500	OVERLOOK POINT	DR	0	0
2355701400	RIDING TRAIL	DR	21463	1
2355700700	STARRY NIGHT	DR	2820	1
2355702400	TRAIL BLAZER	LN	21464	1
2355701000	STARRY NIGHT	DR	2808	1
2355705200	CALIFORNIA POPPY	ST	2831	1
2355704000	FISHERS	PL	2847	1
2355710800	TRAIL RIDGE	DR	21641	1
2355711900	TRAIL BLAZER	LN	0	0
2355703800	CALIFORNIA POPPY	ST	2863	1
2355706000	FISHERS	PL	0	0
2355702000	RIDING TRAIL	DR	21427	1
2355703300	TRAIL BLAZER	LN	21410	1
2355702100	RIDING TRAIL	DR	21421	1
2355702900	TRAIL BLAZER	LN	21434	1
2355700900	STARRY NIGHT	DR	2812	1
2355700800	STARRY NIGHT	DR	2816	1
2355704600	FISHERS	PL	2838	1
2355711000	TRAIL RIDGE	DR	21653	1
2355710600	TRAIL BLAZER	LN	21541	1
2355704900	CALIFORNIA POPPY	ST	2855	1
2355711100	TRAIL RIDGE	DR	21659	1
2355800700	TRAIL RIDGE	DR	21562	1
2355800900	TRAIL RIDGE	DR	21570	1
2355801000	TRAIL RIDGE	DR	21574	1
2355802000	TRAIL RIDGE	DR	21557	1
2355810300	TRAIL RIDGE	DR	21526	1
2355811700	HARMONY VILLAGE	DR	21516	1
2355812100	STARRY NIGHT	DR	0	0
2355811300	TRAIL RIDGE	DR	21511	1
2355823400	HARMONY VILLAGE	DR	21456	1
2355823200	HARMONY VILLAGE	DR	21468	1
2355823300	HARMONY VILLAGE	DR	21462	1
2355823900	HARMONY VILLAGE	DR	21426	1
2355824400	ELDENBERRY	ST	2941	1
2355820100	TRAIL RIDGE	DR	21480	1
2355902900	DEER GRASS	DR	21864	1
2355901200	DEER GRASS	DR	21877	1
2355902400	DEER GRASS	DR	21829	1
2355900100	AMBLE	DR	21774	1
2355910500	FLEDGLING	DR	2945	1
2355911200	FLEDGLING	DR	2962	1
2355910100	FLEDGLING	DR	2977	1
2355914700	LONG TROT	DR	0	0
2355911100	FLEDGLING	DR	2970	1
2355914000	STARRY NIGHT	DR	3065	1
2355910400	FLEDGLING	DR	2953	1
2355912800	STARRY NIGHT	DR	3092	1
2355611700	OVERLOOK POINT	DR	2633	1
2355620200	OVERLOOK POINT	DR	2604	0
2355620700	OVERLOOK POINT	DR	0	0
2355601200	OVERLOOK POINT	DR	2753	1
2355604200	OVERLOOK POINT	DR	0	0
2355600900	OVERLOOK POINT	DR	2765	1
2355611300	OVERLOOK POINT	DR	2649	1
2355620300	HARMONY GROVE VILLAGE	PKWY	2625	0
2355620800	HARMONY GROVE	RD	0	0
2355701200	RIDING TRAIL	DR	21475	1
2355701800	RIDING TRAIL	DR	21439	1
2355703600	CALIFORNIA POPPY	ST	2879	1
2355702200	RIDING TRAIL	DR	21415	1
2355701300	RIDING TRAIL	DR	21469	1
2355711200	TRAIL RIDGE	DR	21665	1
2355701100	STARRY NIGHT	DR	2804	1
2355710300	TRAIL BLAZER	LN	21523	1

COMMENTS

RESPONSES

Comment Letter ReO6d

APN	Street	Suffix	#	Units
2355700600	STARRY NIGHT	DR	2824	1
2355720300	HARMONY GROVE	RD	0	0
2355612500	OVERLOOK POINT	DR	2640	1
2355620100	COUNTRY CLUB	DR	2450	1
2355601300	OVERLOOK POINT	DR	2749	1
2355612300	OVERLOOK POINT	DR	2609	1
2355602400	OVERLOOK POINT	DR	2705	1
2355611200	OVERLOOK POINT	DR	2653	1
2355620900	HARMONY GROVE VILLAGE	PKWY	0	0
2355705000	CALIFORNIA POPPY	ST	2847	1
2355702500	TRAIL BLAZER	LN	21458	1
2355703700	CALIFORNIA POPPY	ST	2871	1
2355700200	TRAIL BLAZER	LN	21461	1
2355703500	CALIFORNIA POPPY	ST	2885	1
2355703100	TRAIL BLAZER	LN	21422	1
2355711500	TRAIL RIDGE	DR	21683	1
2355710200	TRAIL BLAZER	LN	21517	1
2355704300	FISHERS	PL	2823	1
2355711800	TRAIL BLAZER	LN	0	0
2355720800	COUNTRY CLUB	DR	0	0
2355803000	HARMONY VILLAGE	DR	21562	1
2355802600	HARMONY VILLAGE	DR	21546	1
2355801800	TRAIL RIDGE	DR	21565	1
2355800500	TRAIL RIDGE	DR	21554	1
2355803100	HARMONY VILLAGE	DR	21566	1
2355811200	TRAIL RIDGE	DR	21515	1
2355810200	TRAIL RIDGE	DR	21530	1
2355811600	HARMONY VILLAGE	DR	21520	1
2355821600	TRAIL RIDGE	DR	21469	1
2355820500	TRAIL RIDGE	DR	21456	1
2355820800	TRAIL RIDGE	DR	21438	1
2355821000	TRAIL RIDGE	DR	21426	1
2355823700	HARMONY VILLAGE	DR	21438	1
2355821400	TRAIL RIDGE	DR	21481	1
2355900400	AMBLE	DR	21762	1
2355902700	DEER GRASS	DR	21872	1
2355901400	DEER GRASS	DR	21869	1
2355904400	LONG TROT	DR	0	0
2355900700	AMBLE	DR	21750	1
2355911800	FLEDGLING	DR	2914	1
2355912500	STARRY NIGHT	DR	3074	1
2355911600	FLEDGLING	DR	2930	1
2355914603	STARRY NIGHT	DR	3024	1
2355914604	STARRY NIGHT	DR	3030	1
2355914606	STARRY NIGHT	DR	3042	1
2355914608	LONG TROT	DR	21620	1
2355914605	STARRY NIGHT	DR	3036	1
2355914607	STARRY NIGHT	DR	3048	1
2355914602	STARRY NIGHT	DR	3018	1
2355915000	LONG TROT	DR	0	0
2355914601	STARRY NIGHT	DR	3012	1
2355913900	STARRY NIGHT	DR	3059	1
2355913800	STARRY NIGHT	DR	3053	1
2355914900	LONG TROT	DR	0	0
2355803900	BEL	LN	0	0

APN	Street	Suffix	#	Units
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2355710400	TRAIL BLAZER	LN	21529	1
2355710700	TRAIL BLAZER	LN	21547	1
2355800100	TRAIL RIDGE	DR	21538	1
2355800300	TRAIL RIDGE	DR	21546	1
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2355801100	TRAIL RIDGE	DR	21578	1
2355810800	TRAIL RIDGE	DR	21506	1
2355811400	TRAIL RIDGE	DR	21507	1
2355811800	HARMONY VILLAGE	DR	21512	1
2355810500	TRAIL RIDGE	DR	21518	1
2355820200	TRAIL RIDGE	DR	21474	1
2355824900	ELDENBERRY	ST	2911	1
2355823600	HARMONY VILLAGE	DR	21444	1
2355821800	TRAIL RIDGE	DR	21457	1
2355822700	HARMONY VILLAGE	DR	21496	1
2355824300	ELDENBERRY	ST	2947	1
2355901500	DEER GRASS	DR	21885	1
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2355903900	AMBLE	DR	21747	1
2355903700	DEER GRASS	DR	21856	1
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2355910900	FLEDGLING	DR	2913	1
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2355913100	STARRY NIGHT	DR	3011	1
2355911000	FLEDGLING	DR	2905	1
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2355604000	OVERLOOK POINT	DR	0	0
2355603700	OVERLOOK POINT	DR	0	0
2355604100	OVERLOOK POINT	DR	0	0
2355613700	OVERLOOK POINT	DR	0	0
2355602500	OVERLOOK POINT	DR	2718	1
2355611600	OVERLOOK POINT	DR	2637	1
2355613600	HARMONY GROVE VILLAGE	PKWY	0	0
2355705300	CALIFORNIA POPPY	ST	2823	1
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2355701500	RIDING TRAIL	DR	21457	1
2355711400	TRAIL RIDGE	DR	21677	1
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2355720200	CALIFORNIA POPPY	ST	2806	1
2355703400	CALIFORNIA POPPY	ST	2893	1
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2355803800	BEL	LN	0	0
2355800800	TRAIL RIDGE	DR	21566	1
2355801500	TRAIL RIDGE	DR	21594	1
2355802500	HARMONY VILLAGE	DR	21542	1
2355802900	HARMONY VILLAGE	DR	21558	1
2355802700	TRAIL RIDGE	DR	21553	1
2355810900	TRAIL RIDGE	DR	21502	1
2355812000	HARMONY VILLAGE	DR	21504	1

COMMENTS	RESPONSES

Comment Letter ReO6d

APN	Street	Suffix	#	Units
2355802200	TRAIL RIDGE	DR	21549	1
2355803700	TRAIL RIDGE	DR	0	0
2355801300	TRAIL RIDGE	DR	21586	1
2355802400	TRAIL RIDGE	DR	21541	1
2355800600	TRAIL RIDGE	DR	21558	1
2355810400	TRAIL RIDGE	DR	21522	1
2355825200	TRAIL RIDGE	DR	0	0
2355820600	TRAIL RIDGE	DR	21450	1
2355821700	TRAIL RIDGE	DR	21463	1
2355822600	TRAIL RIDGE	DR	21409	1
2355822400	TRAIL RIDGE	DR	21421	1
2355822300	TRAIL RIDGE	DR	21427	1
2355822200	TRAIL RIDGE	DR	21433	1
2355902800	DEER GRASS	DR	21868	1
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2355903600	DEER GRASS	DR	21836	1
2355901600	DEER GRASS	DR	21861	1
2355904000	AMBLE	DR	21741	1
2355900600	AMBLE	DR	21754	1
2355901900	DEER GRASS	DR	21849	1
2355913200	STARRY NIGHT	DR	3017	1
2355914400	STARRY NIGHT	DR	3089	1
2355913500	STARRY NIGHT	DR	3035	1
2355910600	FLEDGLING	DR	2937	1
2355803500	SADDLE BRED	LN	21530	1
2355801700	TRAIL RIDGE	DR	21569	1
2355800400	TRAIL RIDGE	DR	21550	1
2355801600	TRAIL RIDGE	DR	21573	1
2355803300	HARMONY VILLAGE	DR	21574	1
2355801200	TRAIL RIDGE	DR	21582	1
2355811900	HARMONY VILLAGE	DR	21508	1
2355811500	TRAIL RIDGE	DR	21503	1
2355810700	TRAIL RIDGE	DR	21570	1
2355822800	HARMONY VILLAGE	DR	21492	1
2355820900	TRAIL RIDGE	DR	21432	1
2355822100	TRAIL RIDGE	DR	21439	1
2355821500	TRAIL RIDGE	DR	21475	1
2355824500	ELDENBERRY	ST	2935	1
2355824600	ELDENBERRY	ST	2929	1
2355903800	AMBLE	DR	21755	1
2355903500	DEER GRASS	DR	21840	1
2355903300	DEER GRASS	DR	21848	1
2355902200	DEER GRASS	DR	21837	1
2355900500	AMBLE	DR	21756	1
2355904222	LONG TROT	DR	21708	1
2355904219	LONG TROT	DR	21684	1
2355904220	LONG TROT	DR	21690	1
2355904224	LONG TROT	DR	21720	1
2355904218	LONG TROT	DR	21678	1
2355904223	LONG TROT	DR	21714	1
2355904217	LONG TROT	DR	21672	1
2355904700	LONG TROT	DR	0	0
2355904221	LONG TROT	DR	21702	1
2355910300	FLEDGLING	DR	2961	1
2355914512	LONG TROT	DR	21644	1

APN	Street	Suffix	#	Units
2355811000	TRAIL RIDGE	DR	21523	1
2355823000	HARMONY VILLAGE	DR	21480	1
2355821900	TRAIL RIDGE	DR	21451	1
2355820700	TRAIL RIDGE	DR	21444	1
2355824800	ELDENBERRY	ST	2917	1
2355822900	HARMONY VILLAGE	DR	21486	1
2355821100	TRAIL RIDGE	DR	21420	1
2355825100	TRAIL RIDGE	DR	0	0
2355825000	ELDENBERRY	ST	2905	1
2355901800	DEER GRASS	DR	21853	1
2355902300	DEER GRASS	DR	21833	1
2355903200	DEER GRASS	DR	21852	1
2355903400	DEER GRASS	DR	21844	1
2355902600	DEER GRASS	DR	21821	1
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2355911300	FLEDGLING	DR	2954	1
2355913300	STARRY NIGHT	DR	3023	1
2355913000	STARRY NIGHT	DR	3005	1
2355912900	STARRY NIGHT	DR	3098	1
2355914800	LONG TROT	DR	0	0
2356032000	HEIRLOOM	PL	0	0
2356001100	WILGEN	RD	21577	1
2356001600	WILGEN	RD	21509	1
2356030600	HEIRLOOM	PL	3072	1
2356032200	WILGEN	RD	0	0
2356030800	HEIRLOOM	PL	3080	1
2356001700	WILGEN	RD	21485	1
2356010600	GAIT	WAY	2944	1
2356000900	WILGEN	RD	21591	1
2356010500	GAIT	WAY	2940	1
2356000300	STARRY NIGHT	DR	2945	1
2356020700	GAIT	WAY	2984	1
2356010400	GAIT	WAY	2936	1
2356032400	BRESA DE LOMA	DR	21348	1
2356030500	HEIRLOOM	PL	3068	1
2356020800	GAIT	WAY	2980	1
2356021400	GAIT	WAY	0	0
2356011100	WILGEN	RD	0	0
2356010700	GAIT	WAY	2948	1
2356000500	STARRY NIGHT	DR	2929	0
2356102800	DEER GRASS	DR	21730	1
2356102400	DEER GRASS	DR	21746	1
2356102300	DEER GRASS	DR	21750	1
2356101400	TRAIL BLAZER	LN	21659	1
2356103600	DEMLER	DR	2827	1
2356103000	DEER GRASS	DR	21722	1
2356112200	DEMLER	DR	2852	1
2356115100	QUILTERS	DR	2814	1
2356111700	TRAIL BLAZER	LN	21611	1
2356113700	SADDLE BRED	LN	21554	1
2356110100	SADDLE BRED	LN	21638	1
2356112600	DEMLER	DR	2820	1
2356111200	TRAIL BLAZER	LN	21631	1
2356110200	SADDLE BRED	LN	21634	1
2356115400	TRAIL RIDGE	DR	21638	1

COMMENTS	RESPONSES

Comment Letter ReO6d

APN	Street	Suffix	#	Units
2355914509	LONG TROT	DR	21626	1
2355914510	LONG TROT	DR	21632	1
2355914516	LONG TROT	DR	21668	1
2355914515	LONG TROT	DR	21662	1
2355914511	LONG TROT	DR	21638	1
2355915100	LONG TROT	DR	0	0
2355914513	LONG TROT	DR	21650	1
2355914514	LONG TROT	DR	21656	1
2355912400	STARRY NIGHT	DR	3068	1
2355912000	STARRY NIGHT	DR	3044	1
2355914300	STARRY NIGHT	DR	3083	1
2355911700	FLEDGLING	DR	2922	1
2355727100	COUNTRY CLUB	DR	0	0
2355801400	TRAIL RIDGE	DR	21590	1
2355800200	TRAIL RIDGE	DR	21542	1
2355802300	TRAIL RIDGE	DR	21545	1
2355801900	TRAIL RIDGE	DR	21561	1
2355811100	TRAIL RIDGE	DR	21519	1
2355810100	TRAIL RIDGE	DR	21534	1
2355824200	HARMONY VILLAGE	DR	21408	1
2355822000	TRAIL RIDGE	DR	21445	1
2355824100	HARMONY VILLAGE	DR	21414	1
2355822500	TRAIL RIDGE	DR	21415	1
2355820400	TRAIL RIDGE	DR	21462	1
2355820300	TRAIL RIDGE	DR	21468	1
2355902500	DEER GRASS	DR	21825	1
2355902000	DEER GRASS	DR	21845	1
2355904500	LONG TROT	DR	0	0
2355900200	AMBLE	DR	21770	1
2355904100	AMBLE	DR	21735	1
2355903700	AMBLE	DR	21767	1
2355902100	DEER GRASS	DR	21841	1
2355914200	STARRY NIGHT	DR	3077	1
2355910800	FLEDGLING	DR	2921	1
2355912100	STARRY NIGHT	DR	3050	1
2355911400	FLEDGLING	DR	2946	1
2355911500	FLEDGLING	DR	2938	1
2355912300	STARRY NIGHT	DR	3062	1
2355912700	STARRY NIGHT	DR	3086	1
2356032300	HEIRLOOM	PL	0	0
2356020300	GAIT	WAY	2968	1
2356001800	WILGEN	RD	21479	1
2356020500	GAIT	WAY	2976	1
2356020100	GAIT	WAY	2960	1
2356021500	WILGEN	RD	0	0
2356021300	GAIT	WAY	0	0
2356000700	STARRY NIGHT	DR	2913	1
2356000600	STARRY NIGHT	DR	2921	1
2356104300	DEMLER	DR	2883	1
2356104500	DEMLER	DR	2899	1
2356104400	DEMLER	DR	2891	1
2356101600	TRAIL BLAZER	LN	21651	1
2356105300	DEER GRASS	DR	0	0
2356103400	DEMLER	DR	2811	1
2356103700	DEMLER	DR	2835	1

APN	Street	Suffix	#	Units
2356104900	DEER GRASS	DR	21751	1
2356101900	DEER GRASS	DR	21766	1
2356105100	COUNTRY CLUB	DR	0	0
2356100800	SADDLE BRED	LN	21646	1
2356102200	DEER GRASS	DR	21754	1
2356104100	DEMLER	DR	2867	1
2356114600	TRAIL BLAZER	LN	21553	1
2356116300	QUILTERS	DR	0	0
2356112300	DEMLER	DR	2844	1
2356115644	DEER GRASS	DR	21655	1
2356115646	DEER GRASS	DR	21647	1
2356115647	DEER GRASS	DR	21643	1
2356115645	DEER GRASS	DR	21651	1
2356115642	DEER GRASS	DR	21663	1
2356115648	DEER GRASS	DR	21639	1
2356115643	DEER GRASS	DR	21659	1
2356115641	DEER GRASS	DR	21667	1
2356116500	DEER GRASS	DR	0	0
2356113500	SADDLE BRED	LN	21566	1
2356114500	TRAIL BLAZER	LN	21559	1
2356112700	QUILTERS	DR	2813	1
2356114200	TRAIL BLAZER	LN	21577	1
2356120600	COUNTRY CLUB	DR	0	0
2356222000	LONG TROT	DR	22005	1
2356230600	LONG TROT	DR	21918	1
2356210100	PUREBRED	LN	22011	1
2356211300	SIDE SADDLE	LN	2825	1
2356232500	WILGEN	RD	0	0
2356220400	LONG TROT	DR	22029	1
2356221400	LONG TROT	DR	21929	1
2356211000	PUREBRED	LN	21972	1
2356232100	WILGEN	RD	0	0
2356201400	LONG TROT	DR	22241	1
2356213800	LONG TROT	DR	22159	1
2356210900	PUREBRED	LN	21984	1
2356242100	GALLOP	WAY	21952	1
2356241600	LIVERY	PL	2834	1
2356242000	GALLOP	WAY	21946	1
2356242400	GALLOP	WAY	21988	0
2356251300	GALLOP	WAY	0	0
2356261400	HAYLOFT	PL	2950	1
2356261000	HAYLOFT	PL	2926	1
2356261600	HAYLOFT	PL	2962	1
2356261500	HAYLOFT	PL	2958	1
2356273700	MIMULUS	PL	0	0
2356272200	MIMLUS	PL	3064	1
2356273400	HAYLOFT	PL	0	0
2356271000	STABLE	PL	2944	1
2356201300	LONG TROT	DR	22253	1
2356201000	PUREBRED	LN	22086	1
2356231900	GALLOP	WAY	0	0
2356231000	LONG TROT	DR	21990	1
2356213100	LONG TROT	DR	22057	1
2356210800	PUREBRED	LN	22010	1
2356221500	LONG TROT	DR	21937	1

COMMENTS

RESPONSES

Comment Letter ReO6d

APN	Street	Suffix	#	Units
2356113000	QUILTERS	DR	2849	1
2356113400	SADDLE BRED	LN	21572	1
2356111900	DEMLER	DR	2876	1
2356110800	SADDLE BRED	LN	21610	1
2356113100	QUILTERS	DR	2861	1
2356113900	SADDLE BRED	LN	21542	1
2356116600	DEER GRASS	DR	0	0
2356115554	DEER GRASS	DR	21615	1
2356115551	DEER GRASS	DR	21627	1
2356115549	DEER GRASS	DR	21635	1
2356115553	DEER GRASS	DR	21619	1
2356115555	DEER GRASS	DR	21611	1
2356115556	DEER GRASS	DR	21607	1
2356115550	DEER GRASS	DR	21631	1
2356115552	DEER GRASS	DR	21623	1
2356115900	DEMLER	DR	2812	0
2356002100	STARRY NIGHT	DR	0	0
2356030300	HEIRLOOM	PL	3060	1
2356001900	WILGEN	RD	21473	1
2356011400	WILGEN	RD	0	0
2356011200	GAIT	WAY	0	0
2356001400	WILGEN	RD	21545	1
2356010300	GAIT	WAY	2932	1
2356030200	HEIRLOOM	PL	3056	1
2356104700	DEER GRASS	DR	21743	1
2356103200	DEER GRASS	DR	21714	1
2356101000	TRAIL BLAZER	LN	21675	1
2356103500	DEMLER	DR	2819	1
2356101200	TRAIL BLAZER	LN	21667	1
2356105200	DEER GRASS	DR	0	0
2356112900	QUILTERS	DR	2837	1
2356111300	TRAIL BLAZER	LN	21627	1
2356114400	TRAIL BLAZER	LN	21565	1
2356114700	QUILTERS	DR	2862	1
2356110600	SADDLE BRED	LN	21618	1
2356115300	TRAIL RIDGE	DR	21644	1
2356112400	DEMLER	DR	2836	1
2356114900	QUILTERS	DR	2838	1
2356114000	SADDLE BRED	LN	21536	1
2356020900	ELDENBERRY	ST	2990	1
2356010200	GAIT	WAY	2928	1
2356027100	WILGEN	RD	21331	1
2356021000	ELDENBERRY	ST	2991	1
2356030100	HEIRLOOM	PL	3052	1
2356020200	GAIT	WAY	2964	1
2356031900	HEIRLOOM	PL	0	0
2356000400	STARRY NIGHT	DR	2937	1
2356102700	DEER GRASS	DR	21734	1
2356100500	SADDLE BRED	LN	21658	1
2356100400	SADDLE BRED	LN	21662	1
2356101500	TRAIL BLAZER	LN	21655	1
2356101300	TRAIL BLAZER	LN	21663	1
2356102500	DEER GRASS	DR	21742	1
2356101800	TRAIL BLAZER	LN	21643	1
2356105000	COUNTRY CLUB	DR	0	0

APN	Street	Suffix	#	Units
2356214600	LONG TROT	DR	22122	1
2356231800	LONG TROT	DR	0	0
2356232600	WILGEN	RD	0	0
2356231200	LONG TROT	DR	22028	1
2356214500	LONG TROT	DR	22134	1
2356231500	GALLOP	WAY	21847	1
2356231600	GALLOP	WAY	21821	1
2356232000	STABLE	PL	0	0
2356240200	GALLOP	WAY	21836	1
2356241700	LIVERY	PL	2826	1
2356250200	GALLOP	WAY	22042	1
2356250700	GALLOP	WAY	22086	1
2356262300	HAYLOFT	PL	2976	1
2356261800	HAYLOFT	PL	2966	1
2356260400	GALLOP	WAY	22065	1
2356260100	GALLOP	WAY	22109	1
2356277600	MIMLUS	PL	3040	1
2356277100	STABLE	PL	2948	1
2356277700	MIMLUS	PL	3044	1
2356277900	MIMLUS	PL	3052	1
2356011300	WILGEN	RD	0	0
2356030700	HEIRLOOM	PL	3076	1
2356031100	HEIRLOOM	PL	3090	1
2356001200	WILGEN	RD	21571	1
2356030900	HEIRLOOM	PL	3010	1
2356021200	WILGEN	RD	21325	1
2356011000	STARRY NIGHT	DR	2896	0
2356000100	STARRY NIGHT	DR	2961	1
2356000800	STARRY NIGHT	DR	2905	1
2356100100	SADDLE BRED	LN	21674	1
2356103300	DEMLER	DR	2803	1
2356102600	DEER GRASS	DR	21738	1
2356105400	TRAIL BLAZER	LN	0	0
2356102900	DEER GRASS	DR	21726	1
2356104000	DEMLER	DR	2859	1
2356115700	DEER GRASS	DR	21671	1
2356115000	QUILTERS	DR	2826	1
2356116000	COUNTRY CLUB	DR	0	0
2356115800	DEER GRASS	DR	21679	1
2356110400	SADDLE BRED	LN	21626	1
2356115200	TRAIL RIDGE	DR	21650	1
2356114100	TRAIL BLAZER	LN	21583	1
2356111800	TRAIL BLAZER	LN	21607	1
2356120400	COUNTRY CLUB	DR	0	0
2356120100	DEER GRASS	DR	21755	1
2350327200	HARMONY GROVE	RD	2512	0
2356221000	LONG TROT	DR	21969	1
2356212300	SIDE SADDLE	LN	2958	1
2356213500	LONG TROT	DR	22123	1
2356200800	WILGEN	RD	22080	1
2356232300	GALLOP	WAY	0	0
2356232400	STABLE	PL	0	0
2356230700	LONG TROT	DR	22110	1
2356221200	LONG TROT	DR	21961	1
2356220100	LONG TROT	DR	22045	1

COMMENTS

RESPONSES

Comment Letter ReO6d

APN	Street	Suffix	#	Units
2356113600	SADDLE BRED	LN	21560	1
2356110900	SADDLE BRED	LN	21606	1
2356111100	TRAIL BLAZER	LN	21635	1
2356111000	TRAIL BLAZER	LN	21639	1
2356112100	DEMLER	DR	2860	1
2356116100	STARRY NIGHT	DR	0	0
2356110500	SADDLE BRED	LN	21622	1
2356120500	AMBLE	DR	0	0
2356010100	GAIT	WAY	2924	1
2356031200	HEIRLOOM	PL	3096	1
2356001500	WILGEN	RD	21527	1
2356031000	HEIRLOOM	PL	3084	1
2356031600	HEIRLOOM	PL	0	0
2356001300	WILGEN	RD	21563	1
2356031400	WILGEN	RD	0	0
2356001000	WILGEN	RD	21583	1
2356002060	STARRY NIGHT	DR	2936	1
2356002062	STARRY NIGHT	DR	2920	1
2356002057	STARRY NIGHT	DR	2960	1
2356002059	STARRY NIGHT	DR	2944	1
2356002061	STARRY NIGHT	DR	2928	1
2356002200	STARRY NIGHT	DR	0	0
2356002063	STARRY NIGHT	DR	2912	1
2356002058	STARRY NIGHT	DR	2952	1
2356002064	STARRY NIGHT	DR	2904	1
2356000200	STARRY NIGHT	DR	2953	1
2356104638	DEER GRASS	DR	21719	1
2356104639	DEER GRASS	DR	21715	1
2356104640	DEER GRASS	DR	21711	1
2356105500	DEER GRASS	DR	0	0
2356104633	DEER GRASS	DR	21739	1
2356104635	DEER GRASS	DR	21731	1
2356104634	DEER GRASS	DR	21735	1
2356104636	DEER GRASS	DR	21727	1
2356104637	DEER GRASS	DR	21723	1
2356103100	DEER GRASS	DR	21718	1
2356104800	DEER GRASS	DR	21747	1
2356102000	DEER GRASS	DR	21762	1
2356103800	DEMLER	DR	2643	1
2356100700	SADDLE BRED	LN	21650	1
2356103900	DEMLER	DR	2851	1
2356112800	QUILTERS	DR	2825	1
2356111500	TRAIL BLAZER	LN	21619	1
2356114300	TRAIL BLAZER	LN	21571	1
2356114800	QUILTERS	DR	2850	1
2356110300	SADDLE BRED	LN	21630	1
2356116200	SADDLE BRED	LN	0	0
2356113300	SADDLE BRED	LN	21578	1
2356112500	DEMLER	DR	2828	1
2356120300	COUNTRY CLUB	DR	0	0
2356232200	LONG TROT	DR	0	0
2356214300	LONG TROT	DR	22158	1
2356200600	PUREBRED	LN	22070	1
2356211200	PUREBRED	LN	21951	1
2356200200	LONG TROT	DR	22283	1

APN	Street	Suffix	#	Units
2356213600	LONG TROT	DR	22135	1
2356212000	SIDE SADDLE	LN	2983	1
2356211600	SIDE SADDLE	LN	2935	1
2356201800	WILGEN	RD	21992	1
2356213300	LONG TROT	DR	22077	1
2356211400	SIDE SADDLE	LN	2911	1
2356210300	SIDE SADDLE	LN	2813	1
2356241500	LIVERY	PL	2846	1
2356240600	LIVERY	PL	2827	1
2356251200	WILGEN	RD	21651	1
2356250800	GALLOP	WAY	22090	1
2356260900	HAYLOFT	PL	2922	1
2356262700	HAYLOFT	PL	2972	1
2356260700	HAYLOFT	PL	2914	1
2356263200	WILGEN	RD	0	0
2356271200	STABLE	PL	2968	1
2356273200	STABLE	PL	0	0
2356270100	HAYLOFT	PL	2984	1
2356272300	MIMLUS	PL	3068	1
2356251800	GALLOP	WAY	22078	1
2356222200	LONG TROT	DR	21993	1
2355601700	OVERLOOK POINT	DR	2733	1
2355604300	OVERLOOK POINT	DR	0	0
2355612000	OVERLOOK POINT	DR	2621	1
2355612900	OVERLOOK POINT	DR	2670	1
2355600700	OVERLOOK POINT	DR	2773	1
2355603100	OVERLOOK POINT	DR	2742	1
2355603400	OVERLOOK POINT	DR	2754	1
2355602900	OVERLOOK POINT	DR	2734	1
2355602700	OVERLOOK POINT	DR	2726	1
2355610300	OVERLOOK POINT	DR	2689	1
2355601000	OVERLOOK POINT	DR	2761	1
2355614200	OVERLOOK POINT	DR	0	0
2355602300	OVERLOOK POINT	DR	2709	1
2355600300	OVERLOOK POINT	DR	2789	1
2355602200	OVERLOOK POINT	DR	2713	1
2355611000	OVERLOOK POINT	DR	2661	1
2355613400	OVERLOOK POINT	DR	2690	1
2355610700	OVERLOOK POINT	DR	2673	1
2355612600	OVERLOOK POINT	DR	2644	1
2355611100	OVERLOOK POINT	DR	2657	1
2355602600	OVERLOOK POINT	DR	2722	1
2355602800	OVERLOOK POINT	DR	2730	1
2355602000	OVERLOOK POINT	DR	2721	1
2355613000	OVERLOOK POINT	DR	2674	1
2355610600	OVERLOOK POINT	DR	2677	1
2355613300	OVERLOOK POINT	DR	2686	1
2355614100	OVERLOOK POINT	DR	0	0
2355600600	OVERLOOK POINT	DR	2777	1
2355600200	OVERLOOK POINT	DR	2793	1
2355601500	OVERLOOK POINT	DR	2741	1
2355601100	OVERLOOK POINT	DR	2757	1
2355612100	OVERLOOK POINT	DR	2617	1
2355611900	OVERLOOK POINT	DR	2625	1
2355601900	OVERLOOK POINT	DR	2725	1

COMMENTS	RESPONSES

Comment Letter ReO6d

APN	Street	Suffix	#	Units
2356230300	LONG TROT	DR	22064	1
2356200500	PUREBRED	LN	22095	1
2356200300	LONG TROT	DR	22277	1
2356231100	LONG TROT	DR	22004	1
2356221600	LONG TROT	DR	21921	1
2356222100	LONG TROT	DR	21985	1
2356201200	LONG TROT	DR	22265	1
2356211800	SIDE SADDLE	LN	2959	1
2356240800	LIVERY	PL	2851	1
2356241300	LIVERY	PL	2872	1
2356240100	GALLOP	WAY	21820	1
2356242300	GALLOP	WAY	21976	1
2356250300	GALLOP	WAY	22054	1
2356251000	WILGEN	RD	21671	1
2356261700	HAYLOFT	PL	2964	1
2356261300	HAYLOFT	PL	2938	1
2356260800	HAYLOFT	PL	2918	1
2356263100	HAYLOFT	PL	0	0
2356272700	HAYLOFT	PL	0	0
2356273000	MIMLUS	PL	0	0
2356272500	STABLE	PL	0	0
2356270700	STABLE	PL	2932	1
2356211500	SIDE SADDLE	LN	2923	1
2356210700	PUREBRED	LN	22022	1
2356230700	LONG TROT	DR	21926	1
2356230200	LONG TROT	DR	22076	1
2356221300	LONG TROT	DR	21945	1
2356200400	PUREBRED	LN	22087	1
2356200100	LONG TROT	DR	22289	1
2356214200	LONG TROT	DR	22170	1
2356211100	PUREBRED	LN	21960	1
2356201700	WILGEN	RD	21980	1
2356201900	WILGEN	RD	0	0
2356214400	LONG TROT	DR	22146	1
2356231700	LONG TROT	DR	0	0
2356231400	GALLOP	WAY	21829	1
2356242200	GALLOP	WAY	21964	1
2356241400	LIVERY	PL	2850	1
2356251400	WILGEN	RD	0	0
2356250900	GALLOP	WAY	22096	1
2356261200	HAYLOFT	PL	2934	1
2356262700	HAYLOFT	PL	0	0
2356260200	GALLOP	WAY	22097	1
2356260600	HAYLOFT	PL	2910	1
2356262200	HAYLOFT	PL	2974	1
2356271800	MIMLUS	PL	3048	1
2356270600	STABLE	PL	2928	1
2356272600	GALLOP	WAY	0	0
2356273600	MIMLUS	PL	3090	1
2356212800	SIDE SADDLE	LN	2826	1
2356220900	LONG TROT	DR	21977	1
2356200900	PUREBRED	LN	22078	1
2356210200	PUREBRED	LN	21973	1
2356220200	LONG TROT	DR	22037	1
2356213200	LONG TROT	DR	22065	1

APN	Street	Suffix	#	Units
2355603000	OVERLOOK POINT	DR	2738	1
2355601400	OVERLOOK POINT	DR	2745	1
2355601800	OVERLOOK POINT	DR	2729	1
2355612200	OVERLOOK POINT	DR	2613	1
2355611800	OVERLOOK POINT	DR	2629	1
2355614000	OVERLOOK POINT	DR	0	0
2355603200	OVERLOOK POINT	DR	2746	1
2355620600	HARMONY GROVE VILLAGE	PKWY	0	0
2355610500	OVERLOOK POINT	DR	2681	1
2355614400	OVERLOOK POINT	DR	0	0
2355610100	OVERLOOK POINT	DR	2697	1
2355702800	TRAIL BLAZER	LN	21440	1
2355704700	FISHERS	PL	2830	1
2355700500	TRAIL BLAZER	LN	21479	1
2355701600	RIDING TRAIL	DR	21451	1
2355700300	TRAIL BLAZER	LN	21467	1
2355703000	TRAIL BLAZER	LN	21428	1
2355710100	TRAIL BLAZER	LN	21511	1
2355710500	TRAIL BLAZER	LN	21535	1
2355705500	CALIFORNIA POPPY	ST	2807	1
2355704400	FISHERS	PL	2854	1
2355802800	HARMONY VILLAGE	DR	21554	1
2355803400	SADDLE BRED	LN	21524	1
2355802700	HARMONY VILLAGE	DR	21550	1
2355803200	HARMONY VILLAGE	DR	21570	1
2355810600	TRAIL RIDGE	DR	21514	1
2355812200	STARRY NIGHT	DR	0	0
2355821200	TRAIL RIDGE	DR	21414	1
2355824000	HARMONY VILLAGE	DR	21420	1
2355823500	HARMONY VILLAGE	DR	21450	1
2355824700	ELDENBERRY	ST	2923	1
2355823800	HARMONY VILLAGE	DR	21432	1
2355823700	HARMONY VILLAGE	DR	21474	1
2355821300	TRAIL RIDGE	DR	21408	1
2355901300	DEER GRASS	DR	21873	1
2355901700	DEER GRASS	DR	21857	1
2355900900	AMBLE	DR	21742	1
2355900300	AMBLE	DR	21766	1
2355901000	AMBLE	DR	21738	1
2355900800	AMBLE	DR	21746	1
2355913700	STARRY NIGHT	DR	3047	1
2355910700	FLEDGLING	DR	2929	1
2355912200	STARRY NIGHT	DR	3056	1
2355911900	FLEDGLING	DR	2906	1
2355913400	STARRY NIGHT	DR	3029	1
2355913600	STARRY NIGHT	DR	3041	1
2356020400	GAIT	WAY	2972	1
2356010800	GAIT	WAY	2952	1
2356020800	GAIT	WAY	2988	1
2356010900	GAIT	WAY	0	0
2356030400	HEIRLOOM	PL	3064	1
2356031500	WILGEN	RD	0	0
2356031800	HEIRLOOM	PL	0	0
2356031700	HEIRLOOM	PL	0	0
2356102100	DEER GRASS	DR	21758	1

COMMENTS	RESPONSES

Comment Letter ReO6d

APN	Street	Suffix	#	Units
2356212200	SIDE SADDLE	LN	2970	1
2356212500	SIDE SADDLE	LN	2934	1
2356221800	LONG TROT	DR	21905	1
2356221100	LONG TROT	DR	21953	1
2356213400	LONG TROT	DR	22111	1
2356212400	SIDE SADDLE	LN	2946	1
2356241800	GALLOP	WAY	21920	1
2356241100	LIVERY	PL	2892	1
2356242600	GALLOP	WAY	22018	1
2356240400	GALLOP	WAY	21860	1
2356240500	GALLOP	WAY	21872	1
2356251500	WILGEN	RD	0	0
2356251100	WILGEN	RD	21659	1
2356262800	GALLOP	WAY	0	0
2356260300	GALLOP	WAY	22089	1
2356270300	HAYLOFT	PL	2991	1
2356270900	STABLE	PL	2940	1
2356270800	STABLE	PL	2936	1
2356271300	STABLE	PL	2976	1
2356270400	STABLE	PL	2920	1
2356271400	STABLE	PL	2982	1
2356214100	LONG TROT	DR	22182	1
2356230400	LONG TROT	DR	22056	1
2356200700	PUREBRED	LN	22058	1
2356214000	LONG TROT	DR	22183	1
2356230800	LONG TROT	DR	21960	1
2356231300	LONG TROT	DR	22044	1
2356210600	PUREBRED	LN	22034	1
2356213900	LONG TROT	DR	22171	1
2356211700	SIDE SADDLE	LN	2947	1
2356230500	LONG TROT	DR	21910	1
2356211900	SIDE SADDLE	LN	2971	1
2356201600	WILGEN	RD	21986	1
2356201500	LONG TROT	DR	22229	1
2356241200	LIVERY	PL	2880	1
2356240300	GALLOP	WAY	21848	1
2356241000	LIVERY	PL	2891	1
2356251900	GALLOP	WAY	22082	1
2356251600	WILGEN	RD	0	0
2356262900	WILGEN	RD	0	0
2356262500	GALLOP	WAY	0	0
2356261900	HAYLOFT	PL	2968	1
2356261100	HAYLOFT	PL	2930	1
2356262600	HAYLOFT	PL	0	0
2356272000	MIMLUS	PL	3056	1
2356272100	MIMLUS	PL	3060	1
2356272800	WILGEN	RD	0	0
2356270500	STABLE	PL	2924	1
2356270200	HAYLOFT	PL	2990	1
2355612400	OVERLOOK POINT	DR	2605	1
2355600800	OVERLOOK POINT	DR	2769	1
2355610900	OVERLOOK POINT	DR	2665	1
2355612800	OVERLOOK POINT	DR	2666	1
2355612700	OVERLOOK POINT	DR	2648	1
2355600500	OVERLOOK POINT	DR	2781	1

APN	Street	Suffix	#	Units
2356100300	SADDLE BRED	LN	21666	1
2356101100	TRAIL BLAZER	LN	21671	1
2356100200	SADDLE BRED	LN	21670	1
2356104200	DEMLER	DR	2875	1
2356101700	TRAIL BLAZER	LN	21647	1
2356100900	SADDLE BRED	LN	21642	1
2356100600	SADDLE BRED	LN	21654	1
2356116400	QUILTERS	DR	0	0
2356110700	SADDLE BRED	LN	21614	1
2356113200	QUILTERS	DR	2873	1
2356111400	TRAIL BLAZER	LN	21623	1
2356112000	DEMLER	DR	2868	1
2356113800	SADDLE BRED	LN	21548	1
2356111600	TRAIL BLAZER	LN	21615	1
2356120226	DEER GRASS	DR	21783	1
2356120225	DEER GRASS	DR	21787	1
2356120228	DEER GRASS	DR	21775	1
2356120900	DEER GRASS	DR	0	0
2356120227	DEER GRASS	DR	21779	1
2356120230	DEER GRASS	DR	21767	1
2356120232	DEER GRASS	DR	21759	1
2356120229	DEER GRASS	DR	21771	1
2356120231	DEER GRASS	DR	21763	1
2356230900	LONG TROT	DR	21968	1
2356213700	LONG TROT	DR	22147	1
2356212900	SIDE SADDLE	LN	2814	1
2356210400	SIDE SADDLE	LN	2801	1
2356201100	PUREBRED	LN	22094	1
2356210500	PUREBRED	LN	22046	1
2356212700	SIDE SADDLE	LN	2910	1
2356213000	SIDE SADDLE	LN	2802	1
2356212100	SIDE SADDLE	LN	2982	1
2356220300	LONG TROT	DR	22021	1
2356212600	SIDE SADDLE	LN	2922	1
2356221900	LONG TROT	DR	0	0
2356221700	LONG TROT	DR	21913	1
2356220500	LONG TROT	DR	22013	1
2356241900	GALLOP	WAY	21828	1
2356242500	GALLOP	WAY	22006	1
2356240900	LIVERY	PL	2873	1
2356240700	LIVERY	PL	2839	1
2356250400	GALLOP	WAY	22066	1
2356250100	GALLOP	WAY	22030	1
2356262000	HAYLOFT	PL	2970	1
2356262400	HAYLOFT	PL	0	0
2356263000	HAYLOFT	PL	0	0
2356260500	GALLOP	WAY	22029	1
2356271500	STABLE	PL	2990	1
2356273500	WILEGEN	RD	0	0
2356272900	WILGEN	RD	0	0
2356273100	MIMLUS	PL	0	0
2355600100	OVERLOOK POINT	DR	2797	1
2355611500	OVERLOOK POINT	DR	2641	1
2355611400	OVERLOOK POINT	DR	2645	1
2355610200	OVERLOOK POINT	DR	2693	1

COMMENTS	RESPONSES
Comment Letter ReO6d **Attachment B** **Job Accessibility Analysis – Job and Distance Information** Page 10	

COMMENTS	RESPONSES

Comment Letter ReO6d

Census Block	Total Jobs	Distacne from Project (Ft)	Accesssability (Jobs/Destance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accesssability (Jobs/Destance)
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	15496.29513	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	0.000793245
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

COMMENTS

RESPONSES

Comment Letter ReO6d

Census Block	Total Jobs	Distacne from Project (Ft)	Accesssability (Jobs/Destance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accesssability (Jobs/Destance)
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	0.10126901	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

COMMENTS	RESPONSES

Comment Letter ReO6d

Census Block	Total Jobs	Distacne from Project (Ft)	Accesssability (Jobs/Destance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accesssability (Jobs/Destance)
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	3921.602562	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	0.16526271	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	15787.07614	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

COMMENTS	RESPONSES

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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	15841.15967	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	0.00018904
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

COMMENTS

RESPONSES

Comment Letter ReO6d

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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	15941.75682	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	60730221011000	11	15941.45899	0.000690025
60730200431013	2	4838.801292	0.000413326	60730215021027	1	15941.75682	6.27283E-05
60730203101000	12	4839.472745	0.002479609	60730178081002	1	15953.9627	6.26804E-05
60730200252001	19	4844.331715	0.00392211	60730195021004	7	15956.24972	0.0004387
60730205002006	5	4853.433877	0.001030198	60730175013013	2	15968.91975	0.000125243
60730200251010	2	4855.925279	0.000411868	60730175013017	23	15975.46835	0.001439707
60730205003027	41	4861.753323	0.008433172	60730178115008	6	15975.50183	0.000375575
60730205002007	160	4862.262882	0.032906489	60730177013000	12	15976.16515	0.000751119
60730203101004	59	4866.055125	0.012124811	60730198112014	2	15976.55684	0.000125183
60730203131044	1	4866.398542	0.000205491	60730170393003	181	15976.79901	0.011328928
60730205002016	108	4869.882929	0.022177124	60730177023000	63	15977.17782	0.003943124
60730203131040	135	4869.892463	0.027721351	60730195031004	1	15979.43765	6.25804E-05
60730204032020	217	4880.728587	0.044460575	60730175012004	74	15980.2242	0.004630724
60730205002019	1	4890.79684	0.000204466	60730083373003	8	15987.82954	0.000500381
60730203101009	105	4891.625329	0.021465258	60730175013009	1	15990.21485	6.25382E-05
60730171121005	1	4891.76154	0.000204425	60730175013014	5	15994.54059	0.000312607
60730171121001	99	4900.273001	0.020202956	60730170402001	16	15995.83579	0.00100026
60730200442000	2	4904.107174	0.000407821	60730177023019	6	15996.60567	0.00037508
60730203101002	357	4912.725486	0.07266842	60730174082011	40	15998.30017	0.002500266
60730204031003	46	4916.649759	0.009355964	60730173062010	18	15999.11732	0.001125062
60730203131041	94	4917.7698	0.019114355	60730196093011	4	15999.31341	0.000250011
60730203131045	3	4919.194165	0.000609856	60730207101002	57	15999.38696	0.003562637
60730200444000	83	4931.230566	0.016831499	60730195022003	1	16001.61036	6.24937E-05
60730203101001	77	4936.535635	0.015597983	60730177013006	22	16002.69541	0.001374768
60730205002028	14	4937.485502	0.002835451	60730083281023	2	16003.33893	0.000124974
60730205003002	54	4950.453305	0.010908092	60730083281027	3	16006.45447	0.000187424
60730200243003	12	4964.426661	0.002417198	60730174082023	6	16009.94775	0.000374767
60730204052004	5	4980.370675	0.001003941	60730175012005	251	16012.56396	0.015675191
60730205003005	9	4981.922712	0.001806531	60730178115000	335	16014.60873	0.020918401
60730202143020	138	4983.674888	0.02769041	60730174072011	13	16014.85965	0.000811746
60730200251004	1	4993.788932	0.000200249	60730174072013	2	16017.37329	0.000124864
60730200431011	12	4996.675458	0.002401597	60730177023005	9	16018.33127	0.000561856
60730203082000	9	4997.77553	0.001800801	60730175012003	90	16019.12101	0.005618286
60730202143021	56	4998.636857	0.011203054	60730174072016	13	16021.62863	0.000811403
60730202143022	47	4999.908602	0.009400172	60730178112007	2	16022.98436	0.000124821
				60730174071010	9	16023.67425	0.000561669

COMMENTS	RESPONSES

Comment Letter ReO6d

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60730204032003	1	5005.765916	0.00019977	60730175012033	31	16024.46337	0.001934542
60730205003018	244	5006.840223	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	0.013280336	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	607300832273000	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	607300832281024	1	16110.31872	6.2072E-05
60730200251005	1	5226.58275	0.00019133	60730174082005	9	16110.32486	0.000558648
60730203092005	5	5235.778972	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

COMMENTS	RESPONSES

Comment Letter ReO6d

Census Block	Total Jobs	Distacne from Project (Ft)	Accesssability (Jobs/Destance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accesssability (Jobs/Destance)
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	607301911110O1	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	607302211011004	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
607301771210I0	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	0.00018524B

COMMENTS	RESPONSES

Comment Letter ReO6d

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607302060120l4	7	5594.642573	0.001251197	607301740720l0	183	16195.26178	0.011299601
607302070720l0	143	5600.027697	0.025535568	607301920530l5	119	16199.4266	0.007345939
607302040110l0	4	5604.932159	0.000713657	607301770220l1	11	16199.60807	0.000679029
607302060110l1	1	5606.189178	0.000178374	607301781310l8	130	16200.11764	0.008024633
607302060120l5	4	5606.432518	0.000713466	607301750120l1	3	16200.96979	0.000185174
607302021430l8	9	5609.57571	0.001604399	607301740720l1	173	16206.67369	0.010674615
607301711210l2	17	5618.681477	0.003025621	607301740820l6	3	16206.68231	0.000185109
607302010810l2	6	5620.431481	0.001067534	607301920610l3	4	16209.1863	0.000246774
607302002310l3	1670	5621.37544	0.297080317	607301740720l9	421	16209.72897	0.025972057
607302021430l4	20	5622.529204	0.003557118	607301970110l9	42	16210.42167	0.002590926
607302060110l3	3	5624.217251	0.000533408	607302150220l3	64	16210.77677	0.003947991
607302002620l8	2	5635.67953	0.000354882	607301730610l6	647	16210.81791	0.03991162
607302030830l0	154	5647.016759	0.027271036	607301980930l5	2	16215.84329	0.000123336
607302021420l4	227	5652.209739	0.040161284	607301750120l3	2	16222.43451	0.000123286
607302040320l7	17	5654.720023	0.003006338	607301750120l1	22	16222.77366	0.001356118
607302002920l0	233	5655.170699	0.041201232	607301781120l5	16	16222.95193	0.000986257
607302040320l5	74	5656.138527	0.013083131	607301750120l6	37	16224.58867	0.002280489
607302021420l3	295	5687.521791	0.051867933	607301980930l6	1	16226.50861	6.16276E-05
607302021430l0	158	5696.228361	0.027737652	607301770220l0	126	16227.01714	0.007764828
607302030530l0	34	5708.096579	0.005956451	607301750120l0	3	16227.60238	0.00018487
607302002410l2	3	5715.665062	0.000524873	607301950120l1	4	16227.85203	0.0024649
607302021430l1	38	5721.670753	0.006641417	607301981140l4	14	16230.06815	0.000862597
607302002310l4	95	5722.042949	0.016602462	607301703710l2	22	16230.357	0.001355485
607302021430l2	97	5724.164001	0.016945706	607301770150l5	10	16231.30826	0.000616093
607302060120l0	324	5726.557202	0.056578497	607301980930l7	6	16233.9784	0.000369595
607302030810l0	165	5727.073247	0.028810527	607301911110l4	3	16235.84985	0.000184776
607302060110l0	10	5729.077726	0.001745482	607301770220l4	1	16236.33689	6.15902E-05
607302060120l2	39	5732.435335	0.006803391	607301750120l4	1	16237.72445	6.1585E-05
607302030530l2	1	5736.592004	0.00017432	607301750120l2	31	16238.19032	0.00190908
607302021430l5	5	5738.509753	0.000871306	607301740820l5	40	16238.20669	0.002463326
607302040320l6	250	5741.755904	0.043540688	607301770150l6	130	16239.72751	0.00800506
607302070710l8	25	5741.77961	0.004354051	607301750120l5	1	16245.28885	6.15563E-05
607302004320l0	97	5741.95322	0.016893206	607301740820l8	1	16246.63698	6.15512E-05
607301711110l7	10	5745.347997	0.001740539	607301770150l4	11	16247.97037	0.000677008
607302060120l3	34	5746.182018	0.005916972	607301980520l2	4	16250.94157	0.00024614
607302040520l7	19	5751.113301	0.003303708	607301740820l3	9	16257.05321	0.000553606
607302060120l6	2	5758.608401	0.000347306	607301770150l0	39	16258.23463	0.002398784
607302021410l4	115	5758.903638	0.019969079	607301981020l6	1	16261.33787	6.14956E-05
607302060120l7	1	5765.684712	0.00017344	607301981140l3	6	16265.3045	0.000368883
607302002320l8	7	5766.125114	0.001213987	607301750120l0	10	16266.56049	0.000614758
607302004320l1	42	5768.641929	0.007280743	607301740710l8	3	16267.00974	0.000184422
607302002830l0	1182	5770.520503	0.204834209	607301750120l8	87	16268.56998	0.005347728
607302060110l4	3	5774.729424	0.000519505	607301750120l9	6	16271.70213	0.000368738
607302002320l7	3	5780.586952	0.000518978	607301730610l4	6	16276.12752	0.000368638
607302030530l1	1	5791.193163	0.000172676	607301704110l1	2	16277.88813	0.000122866
607302002620l3	154	5796.247142	0.026568915	607301730320l6	25	16279.79249	0.001535648
607302030910l0	60	5800.079313	0.010344686	607301770230l3	12	16280.53345	0.000737077
607302070810l6	55	5802.997145	0.009477861	607301740820l7	12	16281.62638	0.000737027
607302004320l2	7	5806.003501	0.001205649	607301770140l6	5	16283.73307	0.000307055
607302010810l1	293	5811.12088	0.050420565	607301770150l3	13	16288.01873	0.000798133
607302010810l0	10	5811.135965	0.001720834	607301910540l0	10	16289.74236	0.000613883
607302002830l1	46	5811.612847	0.007915187	607301980930l0	1	16290.51921	6.13854E-05
607302060110l8	18	5813.455432	0.003096265	607300836620l1	28	16290.78865	0.001718763

COMMENTS	RESPONSES

Comment Letter ReO6d

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60730206022018	199	5836.935267	0.034093234	60730178131002	11	16290.99664	0.00067522
60730202241004	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
60730202241001	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	60730206012003	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	0.00016761	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
60730206262004	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	0.00033359	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

COMMENTS	RESPONSES

Comment Letter ReO6d

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)
607302021440O3	143	6034.608818	0.023696648	607301781310O0	336	16427.27386	0.020453789
607302002940Z7	311	6047.205494	0.051428714	607301981140O0	8	16427.55119	0.000486987
607302002110O4	97	6049.609708	0.016034092	607301980930I9	3	16428.35579	0.000182611
607302060220O7	25	6055.135789	0.004128727	607301704140O0	29	16430.651	0.001764994
607302060230I8	2	6059.577677	0.000330056	607301750120O6	2	16432.63698	0.000121709
607302040520Z1	1	6062.933643	0.000164937	607301730320I8	110	16438.08668	0.006691776
607302004320O6	22	6066.699444	0.003626354	607301703940O4	7	16439.88408	0.000425794
607302004120O5	5	6082.711782	0.000822002	607301920610O4	10	16442.32318	0.000608187
607302002820O1	46	6086.329931	0.007557922	607301704020O2	14	16446.87467	0.000851226
607302030510I3	43	6087.006022	0.007064228	607301950120O0	361	16448.67979	0.02194705
607302070710O3	2	6093.785593	0.000328203	607302210120I3	413	16448.95498	0.025107978
607302004320I3	15	6093.972226	0.002461449	607301730810O2	177	16454.91251	0.010756666
607302002940Z8	190	6102.076309	0.031136943	607300836620O7	4	16455.66347	0.000243077
607302002310O3	4	6109.530291	0.000654715	607301705320O6	3	16456.79005	0.000182296
607302040520Z3	1	6113.203688	0.00016358	607301950110O3	9	16465.03401	0.000546613
607302021410O0	215	6116.910641	0.035148462	607301781130O4	3	16471.78835	0.00018213
607302040110O5	4	6120.870381	0.000653502	607301920530O7	3	16472.25734	0.000182124
607302002110I4	12	6121.644705	0.001960258	607301702120O2	1	16475.19341	6.06973E-05
607302060220I2	2	6124.713537	0.000326546	607301910520O7	12	16477.76888	0.000728254
607302002910O5	905	6139.963634	0.14739501	607301781310Z7	2	16478.20983	0.000121372
607302060220O9	48	6144.413596	0.007811974	607301730310O3	14	16485.36534	0.000849238
607302002620I1	1	6150.644173	0.000162585	607301781110O2	1	16485.44641	6.06596E-05
607302002620I2	3	6153.967549	0.00048749	607301704140O1	11	16490.49595	0.000667051
607302060220O6	25	6161.089246	0.004057724	607302150210I7	12	16493.6643	0.000727552
607302060230I7	2	6174.713915	0.000323902	607301781130O1	28	16495.84762	0.001697397
607302010830O0	51	6185.220553	0.008245462	607301781310I1	1	16501.82971	6.05993E-05
607302004440O3	2	6192.941411	0.000322948	607302150210I4	6	16517.50428	0.000363251
607302070820O3	5	6201.17502	0.000806299	607301981130O5	7	16530.16609	0.000423468
607302002410O0	61	6215.077245	0.009814842	607301730330O0	99	16533.61564	0.005987801
607302004440O4	5	6218.335394	0.000804074	607301770140O4	27	16536.87664	0.001632715
607302060240I1	2	6221.020539	0.000321491	607301730310O0	32	16540.53028	0.001934642
607302040520I8	23	6227.198165	0.003693475	607301921010O6	574	16542.26873	0.034698989
607301711320O3	138	6234.864655	0.0221336	607301980510I3	9	16544.99759	0.000543971
607302020220Z0	127	6237.734887	0.020359955	607301781310I6	1	16546.71216	6.0435E-05
607302030510O2	3	6238.492256	0.000480885	607301700910O2	6	16548.76623	0.000362565
607302002140O1	3	6247.734198	0.000480174	607301704010I3	9	16564.51008	0.00054333
607302002810O1	5	6249.393136	0.000800078	607300836620O2	3	16565.84549	0.000181095
607302060230O2	2	6249.415129	0.00032003	607302150110O1	26	16567.83445	0.001569306
607302002110O6	1	6255.912705	0.000159849	607301940310O5	73	16574.29312	0.004404411
607302060220I1	5	6260.519235	0.000798656	607301920540O1	2	16577.9691	0.000120642
607302060230I3	14	6267.091781	0.002233891	607301730810O0	1257	16578.95776	0.075819
607302004020O8	32	6285.261621	0.005091276	607301980520O5	1	16581.99832	6.03064E-05
607302030510I8	3	6285.533883	0.000477286	607301770140O0	19	16588.05842	0.001145402
607302021320O0	25	6287.861604	0.003975914	607300836620O4	26	16588.4864	0.001567352
607302070810I9	4	6292.985816	0.000635628	607301702120O8	27	16596.8115	0.001626819
607302002310O0	1	6295.163645	0.000158852	607302210110O6	2	16597.64237	0.000120499
607302060220O5	54	6297.208146	0.008575229	607302150210I3	2	16600.79424	0.000120476
607302021320O1	124	6303.171242	0.019672637	607301920530O4	4	16605.21566	0.000240888
607302004320O7	13	6305.70458	0.002061625	607301704120O1	8	16605.39068	0.000481771
607302004120O2	3	6309.034344	0.000475509	607301703710O1	9	16606.35161	0.000541961
607302004320O5	4	6310.253287	0.000633889	607301981130O3	31	16607.66639	0.001866608
607302030510I6	16	6325.184646	0.00252957	607301950120O6	21	16614.20404	0.001263979
607302002320O1	17	6338.494459	0.002682025	607301730330O4	221	16615.30279	0.013300991

COMMENTS	RESPONSES

Comment Letter ReO6d

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)
607301711320O4	68	6343.456119	0.010719708	607301920520O5	7	16675.50178	0.000421293
607302070810Z2	1	6343.508705	0.000157641	607301940610O2	4	16618.06967	0.000240702
607302004120O0	5	6350.788892	0.000787304	607300836620O6	4	16623.22236	0.000240627
607302004430O9	2	6351.996229	0.000314862	607301705320O7	5	16626.40671	0.000300726
607302002320O3	2	6353.175197	0.000314803	607301730610O7	2	16630.92978	0.000120258
607302002940Z2	116	6356.646526	0.018248616	607301920910O6	16	16632.24222	0.000961987
607302060240I0	6	6356.772176	0.000943875	607301781310O7	137	16637.12521	0.008234596
607302030520I1	390	6360.941768	0.061311676	607302150120O0	31	16637.31877	0.001863281
607302030510I5	8	6371.32094	0.001255627	607301730310O4	4	16638.05924	0.000240413
607302021310O1	7	6372.014104	0.001098554	607301781130O0	9	16661.46733	0.000540169
607302070730O1	20	6373.537483	0.003137975	607301920610O1	9	16663.27632	0.00054011
607302002110O7	40	6379.607774	0.006269978	607302071120O4	18	16667.47953	0.001079947
607302040110O3	2	6380.80613	0.00031344	607301910520I1	72	16667.62891	0.004319751
607302002630O3	8	6381.26643	0.00125367	607302150210S5	1	16667.87456	5.999957E-05
607302070810O2	11	6381.762038	0.001723662	607301981020O4	1	16668.46324	5.99935E-05
607302002620I0	67	6382.788336	0.01049698	607301704120O0	4	16669.15441	0.000239964
607302030520O2	350	6384.978235	0.054816762	607301980520O6	4	16671.39134	0.000239932
607302002810O0	1	6387.464296	0.000156557	607300836610O1	27	16678.53491	0.001618847
607302030520I2	1	6388.919137	0.000156521	607301910530O1	67	16678.61033	0.004017121
607302021330O0	7	6394.491854	0.001094692	607301921010O2	53	16692.15135	0.003175145
607302060230O1	2	6399.064515	0.000312546	607301981020O3	4	16694.07862	0.000239606
607302002320O2	20	6400.310193	0.00312484Z	607301730810O1	207	16699.66816	0.012395307
607302060220O2	2	6410.602628	0.000311983	607301781030O2	2	16708.0242	0.000119703
607302004430O5	4	6416.860225	0.000623358	607301950110O1	3	16710.4288	0.000179529
607302070810O5	55	6427.979158	0.008556344	607301781110O0	454	16711.87471	0.027166312
607302004430O0	8	6439.344182	0.001242363	607300836510O2	5	16713.81086	0.000299154
607302060220O4	55	6440.553937	0.008539638	607301911110O0	194	16715.96378	0.011605672
607302010840O3	4	6441.287592	0.000620994	607301700910O0	24	16721.62256	0.001435267
607302002940I1	12	6448.19366	0.001860986	607302210110O2	6	16722.1657	0.000358805
607302020220Z1	37	6448.878653	0.005737432	607300832820I4	15	16724.06118	0.000896911
607302002110O8	7	6453.841584	0.001084625	607301940520O3	22	16724.19049	0.00131546
607302020220I7	19	6468.344769	0.002937382	607301950110O2	11	16728.20374	0.000657572
607302070810I1	13	6472.955756	0.002008356	607301940610O3	100	16728.9354	0.005977667
607302004010O3	599	6473.093985	0.092536892	607301781110O3	1	16731.23514	5.97685E-05
607302010620O4	44	6473.895077	0.006796527	607301980510O3	2	16732.63749	0.000119527
607302030510O5	33	6484.93444	0.005088718	607300836620I0	9	16739.71554	0.000537644
607302004120O1	12	6489.404313	0.001849168	607301781140O5	9	16744.8653	0.000537478
607302020220I8	25	6493.139124	0.003850218	607301920530O1	2	16745.36531	0.000119436
607302040520Z5	119	6499.680225	0.018308593	607301940310O7	10	16765.29146	0.00059647
607302070710O0	8	6501.731459	0.001230441	607301981130O0	26	16773.90446	0.001550027
607302021310O0	127	6505.363685	0.019522351	607301981130I1	9	16781.63981	0.0005363
607302030510O9	15	6507.671597	0.002304972	607301704110O5	1	16782.15802	5.958716-05
607302070820O1	3	6535.392466	0.000459039	607301703730O3	3	16783.07771	0.000178751
607302060230O0	3	6537.331607	0.000458903	607301700910O3	57	16784.16649	0.003396058
607302030520I3	6	6539.931296	0.000917441	607301910510O7	3	16787.24535	0.000178707
607302040110O4	23	6544.842196	0.003514218	607301980510O1	42	16788.30975	0.002501741
607302010620O5	6	6547.182748	0.000916425	607301940520O2	50	16789.41165	0.002978067
607302060220O1	8	6547.883746	0.001221769	607301781310I2	1	16790.82531	5.955636-05
607302004020O5	7	6557.561027	0.00106747	607301980510O7	1	16790.95776	5.955596-05
607302070820O0	21	6563.451391	0.003199536	607301981020O7	67	16791.89159	0.003990021
607301711110Z6	171	6572.326096	0.026016186	607301981020O9	3	16796.1169	0.000178613
607302060210O8	50	6575.920756	0.007603498	607301781140O4	6	16798.02363	0.000357185
607302002940Z6	94	6577.227652	0.014291736	607301702110I1	1	16798.78681	5.952816-05

COMMENTS	RESPONSES

Comment Letter ReO6d

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)
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	5.92686E-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	6666.165631	0.000450032	60730192091000	12	16891.82889	0.00071040
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	0.034580845	60730170401016	2	16905.56966	0.000118304
60730202022001	9	6715.125893	0.001340256	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	6767.655561	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	0.002356858	60730198051002	12	16984.61135	0.000706522
60730200213002	51	6784.537771	0.007517093	60730194053004	77	16986.03672	0.004533135
60730207062012	3	6787.222802	0.000442007	60730083651001	1	16989.14513	5.88611E-05
60730207062003	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

COMMENTS

RESPONSES

Comment Letter ReO6d

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)
607302020240O3	3	6829.987687	0.000439239	607301981020O8	2	17007.43683	0.000117596
607302020230O0	8	6834.710082	0.001170496	607300836510O3	15	17007.5123	0.000881963
607302060240O5	14	6845.667101	0.002045089	607301781330I4	1	17014.36874	5.87739E-05
607301706610O2	4	6855.206655	0.000583498	607301910510O4	13	17014.48414	0.000764055
607302003820I2	262	6859.500967	0.038195196	607301940420O6	3	17019.70721	0.000176266
607302071010I9	18	6867.209462	0.002621152	607300832730O1	501	17021.22575	0.029433838
607302060210O1	52	6873.768535	0.007564991	607301705020O1	1	17023.17234	5.87435E-05
607302002940I4	1076	6875.882733	0.156488998	607301940420O1	5	17025.2624	0.000293681
607302030510O0	38	6878.52818	0.005524438	607301730810O5	170	17025.99847	0.00998473
607302070610I1	4	6880.003768	0.000581395	607300832820I8	5	17026.53563	0.000293659
607302020220I3	94	6881.511866	0.013659789	607301781330I2	4	17032.42033	0.000234846
607301706410O4	4	6894.894936	0.000580139	607301700910I0	1	17039.11321	5.86885E-05
607302002940I0	82	6900.510292	0.011883179	607301981140I2	6	17041.03627	0.000352091
607301711110I4	2	6906.853391	0.000289567	607301704140O2	5	17043.03001	0.000293375
607302020220I0	24	6909.062466	0.003473699	607301730310I0	5	17047.80097	0.000293293
607301711110I2	87	6909.915212	0.012590603	607301730310O9	16	17062.32446	0.000937739
607302030430I2	1	6914.071438	0.000144633	607301980510I5	1	17064.19511	5.86022E-05
607302002630O2	4	6918.266384	0.00057818	607301940530O5	87	17064.2181	0.005098388
607302020220O5	56	6929.160042	0.008081788	607301703940O7	7	17065.50208	0.000410184
607302020220O2	24	6934.362396	0.003461025	607300832730I1	23	17067.65774	0.001347578
607302070530O9	2	6936.217668	0.000288342	607301702910O4	45	17072.13017	0.002635875
607302004010O5	1	6940.253176	0.000144087	607301981130I2	5	17074.54547	0.000292834
607302020240O1	3	6943.076066	0.000432085	607301730810O3	58	17076.12324	0.003396555
607302070530I9	3	6944.358187	0.000432005	607301961140O9	2	17081.34878	0.000117087
607302020210O5	20	6961.069645	0.002873122	607301940530O3	1	17084.85473	5.85314E-05
607302030440I8	25	6967.971579	0.003587845	607301851940O3	104	17092.0476	0.006084701
607302060210O3	2	6971.79404	0.00028687	607301981130I6	9	17100.32557	0.000526306
607302060240O8	2	6973.660526	0.000286793	607302150120O2	5	17101.1545	0.000292378
607302030430I1	14	6973.924262	0.002007478	607301980510I0	1	17103.08917	5.8469E-05
607302002940O9	232	6977.761014	0.033248488	607300832820I0	7	17109.8179	0.000409122
607302010930O3	23	6978.0079	0.00329607	607301981130I8	2	17113.10908	0.000116869
607302020240O2	3	6991.719762	0.000429079	607301730610I2	28	17113.26415	0.001636158
607302060240O1	1	6992.056236	0.000143019	607301704110O3	5	17117.94974	0.000292091
607302002630O5	120	6998.177498	0.017147322	607301730720O2	12	17127.55832	0.000700625
607302030410O7	1	7008.259748	0.000142689	607301940420O5	1	17128.45417	5.83624E-05
607302060210O0	15	7017.445403	0.00213753	607301704030O9	2	17129.13227	0.00011676
607302010930O2	1	7024.230654	0.000142364	607301940310O4	1	17129.90452	5.83774E-05
607302030520I0	71	7037.103099	0.010089379	607301730330I9	56	17131.24581	0.003268881
607302010620O2	23	7042.17237	0.003266038	607301940310O9	1	17133.15403	5.83664E-05
607302020220I1	19	7043.652575	0.002697464	607301704140O6	82	17136.3268	0.004785156
607302030440I9	8	7045.38798	0.001135495	607301920920O0	76	17138.67891	0.004434414
607302004110O0	24	7045.978893	0.003406198	607301704120O3	2	17142.83073	0.000116667
607301711320I2	3	7049.443873	0.000425565	607301980510O9	3	17143.42001	0.000174994
607302010930O0	7	7057.022618	0.00099192	607301940630O4	10	17143.50588	0.000583311
607302020220O4	16	7064.614229	0.002264809	607301700910O6	12	17149.04383	0.000699747
607302030410I0	3	7068.372847	0.000424426	607301781330O8	205	17154.80482	0.011950005
607301706430O0	15	7070.743466	0.002121418	607301910330I3	3	17155.76639	0.000174868
607302070640O2	8	7072.039305	0.001131215	607301781330O7	5	17156.52275	0.000291434
607302030430O2	2	7076.376379	0.000282631	607302150210I1	47	17157.18562	0.002739377
607302070610O4	94	7088.429546	0.013261047	607302080120O7	5	17159.62912	0.000291382
607302020220O3	90	7091.539883	0.012691179	607301920320I4	62	17160.05257	0.003613043
607302060240O0	3	7092.834991	0.000422962	607301730330I5	2	17168.10424	0.000116495
607302070640O3	44	7097.612481	0.006199268	607301940630O1	5	17171.18936	0.000291185

COMMENTS	RESPONSES

Comment Letter ReO6d

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607302020021002	1	7100.654993	0.000140832	607301730311011	980	17176.44819	0.057054869
607302070530010	2	7106.481192	0.000281433	607301730330006	3	17180.496	0.000174617
607302020220000	311	7113.112848	0.043722067	607301940410010	127	17181.34722	0.007391737
607302030440016	2	7148.296782	0.000279787	607301730330020	12	17182.8196	0.000698372
607302020210004	10	7154.122193	0.001397796	607301700910015	1	17190.29577	5.81724E-05
607301706610004	1	7165.524102	0.000139557	607301980510016	12	17193.08812	0.000697955
607302010620001	1	7175.490436	0.000139363	607301920910013	3	17195.65386	0.000174463
607302020240000	4	7175.638199	0.000557442	607301981130014	3	17196.28774	0.000174456
607302002940010	85	7188.56673	0.011824332	607301730330007	2	17199.2291	0.000116284
607302021120021	1	7195.532291	0.000138975	607300836620011	4	17201.37795	0.00023254
607301711310007	9	7211.020446	0.00124809	607301700910017	1	17202.01151	5.81327E-05
607302020210003	1	7214.021518	0.000138619	607301981130015	1	17203.77525	5.81268E-05
607302002910009	197	7240.089165	0.02720961	607301940530001	31	17204.85444	0.001801817
607302010620000	24	7250.546863	0.003310095	607301920520001	297	17209.92315	0.017257486
607302030410026	8	7251.886486	0.001103161	607301980320002	2	17211.64698	0.0001162
607302004020004	1	7252.244569	0.000137868	607301851940004	69	17211.68828	0.004008904
607302004010011	37	7266.762435	0.005091676	607301981140010	2	17213.38629	0.000116189
607302070530003	12	7271.793655	0.001650212	607301910520008	5	17214.65456	0.00029045
607302010610010	12	7275.99344	0.001649259	607301781330005	7	17231.52278	0.000406232
607302002940008	751	7276.465948	0.103209443	607301920920019	4	17232.74568	0.000232116
607302010610013	2	7283.757187	0.000274584	607301940510002	99	17235.0163	0.00574412
607302002940020	269	7291.14534	0.036894066	607300836510005	14	17246.67554	0.000811751
607301711320021	2	7297.560119	0.000274064	607301940410000	178	17249.05996	0.010319403
607301706420000	1	7299.832623	0.000136989	607301730810006	173	17251.78544	0.010027948
607302002610004	6	7302.598121	0.000821625	607301940310012	7	17258.57085	0.000405596
607301706620003	103	7308.682627	0.014092827	607301700910019	1	17259.7845	5.79382E-05
607302030410019	3	7313.749649	0.000410186	607301730330016	67	17263.10831	0.003881109
607302070530013	28	7320.562138	0.003824843	607301940310000	94	17274.23091	0.005441632
607302010520005	5	7327.161828	0.000682392	607301730720001	12	17274.33616	0.000694672
607302070640006	2	7333.068302	0.000272737	607301920510007	1	17276.41846	5.78824E-05
607302021120020	148	7345.881167	0.020147345	607301940410001	12	17279.47478	0.000694466
607302030430006	1	7351.052058	0.000136035	607301980320001	1	17279.71655	5.78713E-05
607301706410003	2	7351.745262	0.000272044	607300836520000	44	17280.1348	0.002546276
607302021130000	32	7352.764334	0.004352105	607301704130002	13	17285.69792	0.000752067
607302021120016	2	7354.550376	0.00027194	607300836610012	8	17288.2131	0.000462743
607302021120018	16	7358.504823	0.002174355	607301706810004	5	17289.04439	0.0002892
607302021120010	21	7363.378702	0.002851952	607300836510006	2	17289.99897	0.000115674
607301706610008	121	7372.744034	0.0164118	607301705020002	1	17302.45556	5.77953E-05
607302070640007	4	7373.684526	0.00054247	607301910520015	31	17303.9273	0.001791501
607302030410021	1	7377.478286	0.000135548	607301980510000	290	17305.93583	0.016757256
607302071010040	9	7377.906065	0.001219858	607301980510018	3	17307.11495	0.000173339
607302021110006	46	7381.07142	0.006232158	607301851940002	26	17311.06799	0.001501929
607301711320006	17	7386.178446	0.002301596	607301700910018	2	17311.71321	0.000115529
607302030520001	1	7386.565687	0.000135381	607301781320023	374	17318.51202	0.021595389
607301706320000	314	7388.479473	0.042498595	607301920520004	5	17324.86026	0.000288603
607302010940007	2	7388.503981	0.000270691	607301981140007	16	17327.17777	0.000923405
607302002610000	316	7388.598588	0.042768598	607301704140005	7	17328.89496	0.00040395
607302070640021	1	7393.093428	0.000135261	607301730720003	223	17336.33003	0.012863161
607302010610009	4	7396.540117	0.000540793	607301980510017	274	17336.99891	0.01580435
607302030410008	12	7404.359592	0.001620667	607301704030006	138	17338.53925	0.007959148
607302070530002	4	7412.088308	0.000539659	607301704030007	59	17341.00416	0.00340234
607302070530008	8	7424.564289	0.001077504	607300836610006	38	17343.26349	0.002191052
607302070520002	62	7425.674053	0.00834941	607301781330006	2	17356.66861	0.000115229

COMMENTS	RESPONSES

Comment Letter ReO6d

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607302010940O8	13	7427.291013	0.001750302	607301730820O4	13	17360.80529	0.000748813
607301711310O5	2	7437.419489	0.00026891	607300832820I0	51	17363.25764	0.002937237
607302002940I2	533	7446.387474	0.071578333	607301730330I2	7	17363.4856	0.000403145
607302070640I0	2	7455.455686	0.00026826	607300836620O9	3	17367.32292	0.000172738
607302004020O1	2	7460.709363	0.000268071	607301980320O3	8	17379.24557	0.000460319
607301711310O6	6	7465.099689	0.00080374	607301920910I1	19	17380.97184	0.001093149
607302070640O8	1	7471.822204	0.000133836	607301851940O0	14	17381.99422	0.000805431
607302002940I9	28	7473.77909	0.003746431	607301704030O8	162	17383.96712	0.009318935
607301711320O7	3	7478.31912	0.00040116	607302150210I8	4	17384.99344	0.000230083
607301706610I0	5	7488.226847	0.000667715	607301730330I1	147	17389.23117	0.008453508
607301705810O0	3	7488.401134	0.00040062	607301851930O1	131	17394.7326	0.007531015
607302002940I1	259	7503.470538	0.034517361	607302210120I7	370	17398.80858	0.021265824
607301706620O4	4	7505.315355	0.000532956	607301910320O4	17	17401.46828	0.000976929
607302070530O5	107	7521.953896	0.014225027	607301910330I5	14	17402.3132	0.000804491
607302002930O0	799	7530.294474	0.106104748	607300832410O3	35	17403.69845	0.002011067
607302030440I5	13	7532.240036	0.001725914	607301703950O1	13	17404.56906	0.00074693
607307711110I6	3	7538.155416	0.000397975	607301706810O7	2	17406.59098	0.000114899
607301706420O1	1	7540.440925	0.000132618	607301706810O8	3	17409.30092	0.000172322
607301706430O5	3	7552.404292	0.000397224	607301781030I0	49	17415.16904	0.002813639
607302002130O1	1609	7562.056975	0.212772795	607301920320I1	1	17415.58097	5.74198E-05
607302010940I0	5	7562.581146	0.00066115	607301920920O1	2	17424.13173	0.000114783
607302002610O7	1	7563.82402	0.000132208	607301920510O5	2	17424.56692	0.00011478
607302010610O2	64	7564.993606	0.00846002	607301910330I9	2	17429.00395	0.000114751
607302030420O7	1	7567.496695	0.000132144	607302150120O1	52	17434.92621	0.002982519
607302021120I9	963	7568.339098	0.127240599	607301920810O1	1	17436.98521	5.73494E-05
607302070640I5	5	7574.992967	0.000660067	607301980510I1	167	17440.58194	0.009575369
607302070530I8	2	7580.618203	0.000263831	607301730720O4	306	17442.02841	0.017543831
607302002610O6	4	7590.560128	0.00052697	607301730720O6	104	17442.36539	0.005962494
607302021120O7	9	7594.258537	0.001185106	607301700910I6	27	17444.62861	0.001547754
607302010720O3	69	7601.012271	0.009077738	607301704120O4	339	17445.03249	0.019432466
607302010520O1	58	7611.157919	0.007620391	607301730330I2	151	17446.37179	0.008655095
607302070620I1	156	7625.497353	0.020457682	607301730820O1	4	17447.2551	0.000229262
607302030420O5	5	7630.983929	0.000655224	607301920320I2	8	17448.30603	0.000458497
607302030410I5	2	7633.200487	0.000262013	607301940630O2	11	17448.54424	0.000630425
607302021110O2	2	7633.9891	0.000261986	607301730330O8	6	17450.6349	0.000343827
607302010530O1	128	7634.214528	0.016766623	607301960510I0	314	17450.80146	0.017993443
607302070640I9	7	7645.695271	0.000915548	607301851940O1	4	17451.51361	0.000229206
607302030430O0	1	7647.811941	0.000130756	607300836610O7	1	17460.40461	5.72724E-05
607302010610O3	5	7653.869139	0.000653264	607301940410O8	1	17463.57292	5.72621E-05
607301706330O0	31	7665.960508	0.004043851	607301703950O3	4	17470.2282	0.000228961
607302010940O3	1	7673.711881	0.000130315	607301851930O2	624	17472.63223	0.035712993
607302070520O9	1	7676.049206	0.000130275	607300836610O9	8	17473.38043	0.000457839
607302021120I3	6	7678.189709	0.000781434	607301940310O1	73	17475.23759	0.004177339
607302002130O0	25	7688.014344	0.003251815	607301911120O3	11	17475.72956	0.000629444
607302004220O1	171	7692.862372	0.022228397	607300832410O1	64	17482.98186	0.003660703
607302070640O9	5	7698.69137	0.000649461	607302150210I2	21	17485.33493	0.001201006
607302030410O9	5	7701.943569	0.000649187	607301940310I3	3	17488.17319	0.000171545
607302030420O6	1	7705.554642	0.000129777	607301980430O0	14	17492.69911	0.000800334
607301706430O6	24	7713.441473	0.003111452	607301940310I0	11	17497.18994	0.000628672
607302004010I2	1	7716.722343	0.000129589	607301730820O3	256	17502.58965	0.014626408
607302070640I6	94	7718.137199	0.012179105	607301704140O4	5	17503.6031	0.000285655
607301711210I8	43	7718.908323	0.005570736	607301920510O6	7	17504.6126	0.000399895
607302004220O5	64	7719.026904	0.008291201	607301730820O0	368	17504.85001	0.021022745

COMMENTS	RESPONSES

Comment Letter ReO6d

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607302030410003	7	7730.728061	0.000905477	607301930330008	24	17507.17058	0.001370867
607301706610027	8	7730.983782	0.001034797	607302071110029	22	17515.47403	0.001256032
607302070530007	8	7739.910266	0.001033604	607301980320000	32	17520.15928	0.001826467
607302021120009	149	7749.962484	0.0192259	607301703950004	1	17523.94966	5.70648E-05
607302010510006	4	7750.082811	0.000516124	607301920510003	4	17526.39897	0.000228227
607302021140000	8	7752.883726	0.001031874	607301704140007	2	17526.87601	0.00011411
607302021120002	12	7756.9034	0.001547009	607301940410002	1	17536.73824	5.70231E-05
607302002610008	2	7760.642033	0.000257711	607300832720001	5	17541.29713	0.000285042
607301711320024	5	7764.815956	0.00064393	607301781030009	8	17549.51662	0.000455853
607301706420003	8	7765.667556	0.001030175	607301910520002	2	17556.68323	0.000113917
607301706610018	4	7767.973485	0.000514935	607301706720000	221	17560.84222	0.012584818
607301706430007	6	7773.195494	0.000771883	607300832820017	13	17564.22046	0.000740141
607301711310001	8	7773.261835	0.001029169	607301851930005	9	17564.39386	0.0005124
607302030410013	2	7773.335059	0.00025729	607301980330004	11	17566.24771	0.000626201
607302021110001	2	7774.041465	0.000257266	607301980430004	5	17567.69241	0.000284613
607302004220000	99	7775.523771	0.012732261	607302150210046	6	17573.64963	0.00034142
607302004210007	1	7791.945005	0.000128338	607301651920007	30	17577.00811	0.001706775
607302002930001	16	7799.31514	0.002051462	607301706810003	4	17580.84787	0.00022752
607301710620005	6	7804.403553	0.000768797	607301851920001	1	17582.22168	5.68756E-05
607302010510005	3	7808.704988	0.000384187	607301940410006	172	17586.91312	0.009779999
607302070210023	30	7810.344848	0.00384106	607302210120016	2095	17590.77493	0.119096516
607302002940021	29	7814.252975	0.003711167	607301706810000	61	17593.72993	0.003467144
607302002930002	156	7818.525505	0.019952611	607301920320009	1	17606.61561	5.67968E-05
607302002910002	311	7823.62503	0.039751394	607301706720009	48	17607.92284	0.002726046
607302010710016	15	7826.125874	0.001916657	607301940310003	2	17609.87028	0.000113573
607301706410009	1	7829.484316	0.000127722	607301730710001	278	17613.35099	0.015783482
607302002940014	64	7837.278102	0.0081661	607301980320005	9	17623.16958	0.000510691
607302002610010	20	7847.018536	0.002548739	607301851820011	265	17624.24754	0.015036103
607301706310000	9	7847.699427	0.001146833	607301940410003	14	17629.00577	0.000794146
607301711110029	2	7851.391262	0.000254732	607301706720001	100	17636.18134	0.005670162
607301706610015	39	7857.583902	0.004963358	607301980430008	12	17650.30483	0.000679875
607301711320025	85	7861.014531	0.010812854	607301940510000	6	17656.28648	0.000339822
607301706610039	4	7861.531935	0.000506807	607301920910005	15	17657.19017	0.000849512
607301705810007	10	7865.82017	0.001271323	607301704810000	223	17657.43343	0.012629242
607302010520000	7	7866.756103	0.00088982	607302150130002	24	17668.29925	0.001358365
607302002940000	206	7868.363373	0.026180794	607301781320013	76	17669.21486	0.004301266
607302010940002	5	7874.371968	0.000634971	607301851820006	13	17669.64845	0.000735725
607302002610003	6	7877.560793	0.000761657	607301980330000	301	17670.85378	0.017033699
607302010940001	8	7880.870497	0.001015116	607301700920001	13	17680.5392	0.000735272
607302002940013	20	7891.279998	0.002534443	607301730820002	29	17682.85195	0.001640007
607302010610000	15	7893.120164	0.001900389	607301781320024	148	17685.77391	0.008368308
607302002610002	5	7893.44929	0.000633437	607300838020005	9	17688.30826	0.000506811
607302002940018	435	7898.166724	0.055076072	607300838020004	4	17690.06632	0.000226116
607302070640014	35	7898.840732	0.00443103	607301940410004	5	17696.8822	0.000282536
607301706410008	1	7901.863501	0.000126552	607301910520000	33	17698.14652	0.001864602
607302070640018	3	7903.166721	0.000379595	607301706710002	3	17702.51317	0.000169467
607301706410010	2	7903.249182	0.00025306	607300833010003	9	17705.79106	0.000508308
607301706430009	5	7903.612683	0.000632622	607302150220015	4	17707.32707	0.000225895
607302030420002	7	7908.941397	0.000885074	607301851820009	2350	17718.9479	0.132626385
607301705820001	1	7917.795319	0.000126296	607301706820000	1006	17720.70975	0.056769735
607302002940002	258	7920.75317	0.03257266	607301851930004	25	17721.6911	0.001410701
607301711310002	3	7923.159164	0.000378637	607301706710001	3	17725.62697	0.000169246
607302010910005	4	7924.95415	0.000504735	607301930330011	12	17729.13227	0.000676852

COMMENTS	RESPONSES

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Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)
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	0.004496943
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	17878.19641	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

COMMENTS	RESPONSES

Comment Letter ReO6d

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60730170662013	10	8136.916955	0.001228967	60730170482001	539	17918.46748	0.030080698
60730207101020	7	8148.82667	0.000859019	60730083272009	5	17926.86576	0.000278911
60730200294005	88	8151.903647	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	71	17950.47192	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	17969.5596	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	0.001166556
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	0.001068649	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	0.000554829
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

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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	5.522496-05
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	5.503586-05
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	8459.692684	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	5.490246-05
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	0.001761684	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

COMMENTS	RESPONSES

Comment Letter ReO6d

Census Block	Total Jobs	Distacne from Project (Ft)	Accesssability (Jobs/Destance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accesssability (Jobs/Destance)
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	0.000871645
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	8614.296805	0.00325041	60730178102007	2	18359.82334	0.000108934
60730200191008	1	8614.753245	0.00011606	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	60730206012002	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

COMMENTS	RESPONSES

Comment Letter ReO6d

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)
607301703120O4	97	8704.555457	0.01114359	607301706720O7	1	18479.00186	5.41155E-05
607302001910O3	12	8706.69498	0.00137825	607300833030O3	8	18486.96049	0.000432737
607301706510I9	8	8709.498563	0.000918537	607301930520I2	61	18492.24964	0.003298679
607301703110O1	1	8714.632612	0.00011475	607300833020O3	12	18495.57138	0.000648804
607302020620O1	1	8719.158889	0.00011469	607301980410O0	28	18501.97444	0.001513352
607302020720O0	247	8719.770727	0.028326433	607301720210O2	78	18505.4348	0.004214978
607302003220O8	8	8723.950318	0.000917016	607301720110O4	2	18520.01141	0.00010799I
607302003620O1	12	8724.957783	0.001375366	607300835310O7	1	18527.442	5.3974E-05
607302020610O1	2	8728.510491	0.000229134	607301700920O4	79	18530.98769	0.004263129
607301711110I5	2	8728.724938	0.000229129	607302150230O7	4	18534.77781	0.000215811
607302070610O8	27	8729.407452	0.003092993	607301704920I1	14	18535.08091	0.000755324
607302020720O2	327	8734.598596	0.037437324	607301940320O8	556	18535.45534	0.029996565
607301706510I0	1	8738.761951	0.000114433	607301930520I7	1	18539.41601	5.39391E-05
607301707030O7	78	8739.282561	0.008925218	607301980420O6	3	18541.63123	0.000161798
607301706620O5	6	8744.527716	0.000686143	607301781010I2	3	18545.04107	0.000161768
607301707030O5	110	8747.54889	0.012574951	607301851710O0	10	18547.86773	0.000539146
607301706430I5	1	8748.323193	0.000114308	607301851620O0	10	18547.98914	0.000539142
607301707030O6	32	8758.131093	0.003653748	607301706820O9	26	18552.53479	0.001401426
607302003620O4	7	8761.129651	0.000798984	607301706710O7	4	18552.65761	0.000215603
607302070510O3	14	8765.622316	0.001597148	607301930520I1	2	18553.61678	0.000107796
607302001510O1	11	8770.721303	0.001254173	607301780910O0	25	18555.21206	0.00134733
607302003910O3	8	8779.694863	0.000911193	607301781320O9	5	18557.55989	0.000269432
607301707030O3	31	8791.534218	0.003526119	607300835330O4	7	18559.01805	0.000377175
607301710630O1	5	8794.883587	0.000568512	607301704840O0	985	18561.79503	0.053065988
607301711120O1	10	8801.896722	0.001136719	607300837220O9	6	18564.10251	0.000323204
607301706430I6	1	8806.718489	0.00011355	607301701020O2	2	18565.84123	0.000107725
607302020610O0	2	8809.190475	0.000227036	607300832730O8	1	18566.56001	5.38603E-05
607302004220I0	184	8812.588135	0.020879224	607302150110O3	65	18574.34036	0.003499451
607301706510I2	5	8813.504467	0.000567311	607301930510O6	1	18577.06263	5.38298E-05
607302010710I3	2	8816.044552	0.000226859	607301930520I9	3	18577.79789	0.000161483
607301706510I8	79	8825.528858	0.008951305	607300838120O2	1	18578.02819	5.3827E-05
607302011010I1	2	8828.811656	0.000226531	607301704840O5	8	18578.17675	0.000430613
607301710940O2	1	8830.307898	0.000113246	607301920320O1	8	18578.27046	0.000430611
607301703110O2	1	8831.066332	0.000113237	607301920920O2	100	18585.86072	0.005380434
607302010920O4	2	8835.779965	0.000226352	607300832710O2	57	18590.16163	0.003066138
607302003130O2	1	8839.482962	0.000113129	607300834730O0	1	18590.57931	5.37907E-05
607302001930O6	6	8848.896104	0.000678051	607301920920I3	6	18590.92042	0.000322738
607302003130I5	1	8849.076716	0.000113006	607301930520I4	1	18592.27308	5.37658E-05
607302003130I6	10	8855.715307	0.001129214	607301880340I2	8	18593.40341	0.00043026
607302003620O2	17	8858.00984	0.001919167	607300834610O1	22	18598.34995	0.001182901
607301706510I6	16	8861.593359	0.001805544	607300838110O1	26	18599.73998	0.001397869
607302011010I3	2	8867.789957	0.000225535	607301706820O2	8	18605.99424	0.000429969
607301710940O8	4	8872.107447	0.000450851	607301701020O4	2	18607.52638	0.000107483
607302020930O2	1	8877.895494	0.000112639	607301781020O2	10	18608.04151	0.000537402
607302070630O0	16	8878.454725	0.001802115	607301720210I1	53	18609.78193	0.002847965
607302003910O4	28	8879.166522	0.003153449	607301706820I1	2	18610.54308	0.000107466
607301707030O8	87	8883.382336	0.009793567	607302150230I1	520	18611.48892	0.027939731
607301703110O3	3	8897.791767	0.000337162	607300834610O3	1	18617.23148	5.37137E-05
607301706510I9	123	8906.83901	0.013809613	607301930520I3	1	18620.27965	5.37049E-05
607301710940I3	2	8906.882988	0.000224545	607300832710O8	1	18621.42208	5.37016E-05
607301706520I5	1	8907.99857	0.000112259	607301911120I2	9	18629.72057	0.000483099
607302004010O0	63	8913.959617	0.007067566	607301780910O2	2	18639.09742	0.000107301
607301706510I2	2	8916.241047	0.00022431	607301781320I9	4	18639.55488	0.000214597

COMMENTS	RESPONSES

Comment Letter ReO6d

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)
607301706520 42	11	8917.713267	0.0012335	607301930520 13	1	18641.38381	5.36441E-05
607302011110 16	14	8917.754346	0.001569902	607301704310 01	11	18648.03077	0.000589875
607301711940 04	1	8928.379775	0.000112002	607301704920 12	184	18656.85619	0.009862326
607302020810 12	8	8935.653754	0.00089529	607300834730 01	15	18660.08842	0.000803855
607302011110 18	10	8936.389446	0.001119102	607300833020 05	3	18666.46826	0.000160716
607301706510 15	3	8937.079279	0.00033568	607300833030 05	1	18666.54035	5.35718E-05
607301706610 38	15	8945.119552	0.001676892	607300836910 01	88	18671.40333	0.00471309
607301707030 09	33	8946.228854	0.003688705	607301701020 01	1	18677.5608	5.35402E-05
607301710940 13	1	8948.168592	0.000111755	607300832710 07	9	18678.9073	0.000481827
607301706020 07	1	8951.867639	0.000111709	607301930520 11	1	18680.46808	5.35318E-05
607302003810 10	17	8954.411427	0.001898506	607301704310 03	3	18682.08768	0.000160582
607302020930 01	1	8956.596275	0.00011165	607301911130 04	343	18687.39289	0.01835462
607301707030 11	498	8957.745209	0.055594348	607301704410 04	1	18691.41941	5.35005E-05
607301706520 02	1	8961.313117	0.000111591	607301851620 02	7	18691.79243	0.000374496
607302003810 12	10	8962.321644	0.001115782	607300833120 00	6	18693.63212	0.000320965
607301703130 01	38	8964.568736	0.00423891	607301781020 04	7	18697.96499	0.000374372
607301703110 06	13	8968.679575	0.001449489	607300835230 02	1	18700.12366	5.34756E-05
607302003910 06	2	8971.451454	0.000222929	607301704310 02	19	18701.6965	0.001015951
607301703130 02	28	8975.245308	0.003119692	607301930520 09	2	18702.19558	0.000106939
607302020810 02	15	8976.562097	0.001671018	607301781320 08	7	18702.26288	0.000374286
607302010920 02	10	8976.784717	0.001113985	607301701020 05	5	18702.93888	0.000267338
607301706620 06	4	8979.587133	0.000445455	607301704310 04	4	18707.06801	0.000213823
607302003720 00	3	8981.634653	0.000334015	607301851720 00	10	18710.75284	0.000534452
607301706520 35	1	8982.542214	0.000111327	607300834730 03	2	18720.3544	0.000106836
607301705830 01	9	8987.266839	0.001001417	607300833020 04	29	18721.78096	0.001548998
607302070620 08	7	9002.813111	0.000777535	607300835220 01	4	18724.89847	0.000213619
607301705830 00	2	9003.428712	0.000222138	607301980330 05	3	18725.32488	0.000160271
607301705730 01	513	9004.576897	0.056971028	607301930420 08	63	18727.6612	0.003364008
607302003220 03	12	9005.480651	0.001332522	607301880320 16	10	18727.98679	0.00053396
607302011010 33	1	9010.690135	0.000110979	607301701020 15	1	18728.26029	5.33952E-05
607301707030 10	76	9018.574952	0.008427052	607300834710 02	1	18739.24082	5.3364E-05
607302020810 01	7	9024.195307	0.000775692	607302150230 01	6	18742.76783	0.000320123
607302011110 01	30	9024.963869	0.003324113	607300833030 04	4	18745.43295	0.000213385
607302003620 00	54	9025.541447	0.005983021	607301930520 20	3	18749.36424	0.000160005
607301707020 00	1	9028.124766	0.000110765	607300838010 00	30	18751.63293	0.001599861
607301706510 26	1	9031.695433	0.000110721	607301701020 16	37	18752.02327	0.00197312
607301710620 07	6	9036.365434	0.000663984	607301781320 21	84	18753.38127	0.004479192
607301710940 05	4	9037.323679	0.000442609	607301930520 10	2	18753.5713	0.000106646
607302011010 38	6	9038.053942	0.00066386	607301706720 13	2	18762.13323	0.000106598
607301706520 01	9	9040.698219	0.000995498	607301851730 05	1	18762.68573	5.32973E-05
607302001510 12	2	9042.391916	0.00022118	607301851730 04	2	18762.71192	0.000106594
607302003820 05	93	9043.994424	0.010283067	607301704420 01	1	18771.23788	5.3273E-05
607302003910 07	4	9045.059272	0.00044223	607301930510 01	1	18783.78381	5.32374E-05
607302003130 01	7	9047.784934	0.00077367	607301704330 00	1081	18786.47269	0.057541403
607302003810 11	2	9059.458294	0.000220764	607301930510 00	13	18794.64302	0.000691686
607302070610 06	29	9059.659692	0.003201003	607300834710 01	1	18795.08467	5.32054E-05
607301706510 16	2	9063.964643	0.000220654	607300832730 04	16	18798.22441	0.000851144
607302011010 32	1	9067.333545	0.000110286	607301910340 15	4	18805.4428	0.000212704
607301710940 11	233	9072.641236	0.025681606	607300833110 01	1	18811.7056	5.31584E-05
607301706520 11	5	9073.566166	0.000551051	607300835210 01	1	18813.91304	5.31522E-05
607301707020 01	1	9077.825182	0.000110159	607301720210 10	722	18820.44131	0.038362544
607301710620 12	6	9080.705981	0.000660742	607301780910 10	12	18825.63276	0.000637429
607301710940 18	1	9081.654671	0.000110112	607301930510 09	14	18826.85737	0.000743619

COMMENTS	RESPONSES

Comment Letter ReO6d

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)
607302004010O1	63	9087.765373	0.006932397	607300832710I0	1	18827.60932	5.31135E-05
607301710940O7	2	9089.201917	0.000220041	607301851720O5	5	18828.13103	0.00026556
607302003810O2	3	9090.98668	0.000329997	607300835210O0	7	18831.01516	0.000371727
607302003810O0	2	9092.219666	0.000219968	607300834710O0	9	18834.0433	0.000477858
607301706520I4	2	9097.101958	0.00021965	607301910320I3	24	18835.36902	0.001274199
607301706510O9	21	9104.078021	0.002306659	607300835230O0	1	18837.15052	5.30866E-05
607302003720O7	2	9105.540926	0.000219646	607300835320O3	3	18837.68968	0.000159255
607301711200I7	1	9106.759957	0.000109809	607300834710O3	2	18837.82695	0.000106169
607302011010I6	14	9111.622331	0.001536499	607301930520O5	11	18838.22135	0.000583919
607301710940I7	4	9111.642891	0.000438999	607301701020I4	25	18846.12037	0.001326533
607301706520I0	14	9122.381003	0.001534687	607301851710O1	1769	18847.12722	0.093860458
607302003130O9	5	9125.027483	0.000547944	607300833110O3	5	18849.63063	0.000265257
607301703110O4	6	9144.034868	0.000656165	607301781010I0	21	18851.31317	0.001113981
607302003220O0	36	9144.763173	0.003936679	607301704920I3	2	18851.37852	0.000106093
607301706520O5	1	9146.380156	0.000109333	607301910340O2	4	18854.74078	0.000212148
607301705830O3	16	9147.993848	0.001749017	607301851720O8	3	18859.50412	0.000159071
607301705730O3	4	9148.707546	0.00043722	607301852210I2	305	18860.3974	0.016171451
607302020930O0	8	9155.640529	0.000873778	607300838120O3	1	18863.5433	5.30123E-05
607302011010I5	3	9169.023438	0.000327189	607301980410O1	6	18865.10714	0.000318047
607302070620O6	7	9173.622572	0.000763057	607301780910I1	8	18869.76409	0.000423959
607302030440O5	249	9173.981015	0.027141979	607301781020O3	145	18874.1438	0.007682468
607302011010I9	12	9177.974325	0.001307478	607301930110O7	1	18879.49396	5.29675E-05
607302011110I4	22	9185.438388	0.002395095	607301851610O0	781	18881.95695	0.041362238
607302011010I1	1	9186.106055	0.00010886	607301706720O8	36	18883.70253	0.001906406
607301707020O8	2	9190.087808	0.000217626	607301980410O7	9	18884.95533	0.00047657
607302070620O7	54	9198.550684	0.00587049	607301704420O3	18	18886.94749	0.000953039
607301707010O1	8	9203.444488	0.00086924	607300834730O4	4	18886.96748	0.000211786
607302001930O2	210	9205.720567	0.022811902	607301720210O8	17	18887.22223	0.000900079
607302020810O4	43	9207.519608	0.004670096	607300838120O4	2	18900.21127	0.000105819
607301706520O7	117	9208.239978	0.012706011	607302150230I0	6	18901.66068	0.000317432
607302003810O8	1	9216.572722	0.0001085	607300835230O1	5	18907.41339	0.000264447
607302071210O4	158	9219.602606	0.017137398	607300832410O5	529	18910.27609	0.027974208
607302003130O7	15	9219.68588	0.001626953	607300834710O5	3	18919.40805	0.000158567
607301707110O7	132	9224.150698	0.014310261	607300835220O2	74	18920.54233	0.003911093
607301703110O5	17	9224.788149	0.001842861	607301704920O8	52	18920.62482	0.002748324
607301710910O0	8	9225.38638	0.000867172	607301930520O6	5	18925.01767	0.000264201
607302020810I1	11	9229.519118	0.001191828	607301930520O4	1	18929.24429	5.28283E-05
607302003810O1	1	9230.74845	0.000108334	607301910340I4	3	18929.48447	0.000156483
607302070610O3	1	9236.641823	0.000108264	607301704920O1	783	18933.98826	0.041354203
607302020810O8	2	9240.058106	0.000216449	607300837220O8	33	18936.09162	0.001742704
607302003710O0	38	9241.751365	0.004111775	607300836910O2	20	18937.10853	0.001056127
607302001510I4	5	9250.923949	0.000540487	607301720110I0	1	18942.00152	5.27927E-05
607302020810O9	10	9257.873505	0.001080162	607301720210I2	14	18946.59985	0.000738919
607302003720O2	1	9258.824052	0.000108005	607301930520O7	4	18953.19163	0.000211046
607302020910O1	155	9263.700685	0.016731974	607301720210I4	10	18955.42461	0.000527553
607302011010I3	4	9268.42335	0.000431573	607301851720O1	1	18959.32933	5.27445E-05
607302071210I6	21	9276.193823	0.00226386	607300836920O5	171	18961.13322	0.009018448
607301706520O9	6	9277.566242	0.000646721	607301911210I3	26	18961.435	0.001371204
607301703130O0	263	9281.765749	0.028335126	607300838120O5	4	18964.06143	0.000210925
607302070610O2	30	9284.228677	0.003231286	607301910330I8	30	18971.64328	0.001581307
607302011010I8	3	9293.057419	0.000322822	607301781010I1	4	18977.65835	0.000210774
607302020810O5	4	9299.181936	0.000430145	607301704310O9	11	18978.18819	0.000579613
607301707010O2	3	9299.455206	0.0003226	607301704840O9	83	18980.72964	0.004372856

COMMENTS	RESPONSES

Comment Letter ReO6d

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)
607302011010 10	5	9303.904794	0.000537409	607301720110 05	99	18981.89632	0.005215496
607302011110 10	31	9315.433947	0.003327811	607301930320 13	6	18996.78659	0.000315843
607302020920 00	841	9317.990912	0.090255508	607300836910 00	1164	18996.82455	0.061273398
607302030440 09	2	9326.464922	0.000214444	607301910340 11	11	18998.70558	0.000578987
607302011010 31	22	9333.180589	0.002357181	607301704420 00	91	19001.81324	0.004789017
607301710620 13	22	9335.031773	0.002356714	607301704840 08	556	19003.21047	0.029258214
607301707010 00	1	9338.202264	0.000107087	607300833110 06	1	19006.16971	5.26145E-05
607301706520 13	9	9341.086072	0.000963485	607300836920 00	474	19015.07018	0.024927597
607301706520 30	2	9345.084652	0.000214016	607300832410 13	3	19018.27433	0.000157743
607302011010 30	4	9351.9716	0.000427717	607301930420 06	7	19018.34667	0.000368066
607301706520 03	57	9356.757641	0.006091854	607301910340 08	5	19019.03147	0.000262895
607301710940 12	55	9360.381556	0.005875829	607300833110 05	310	19023.7601	0.016295412
607302003610 00	570	9361.445059	0.060888036	607300834710 04	4	19028.93738	0.000210206
607302071210 05	53	9364.193629	0.005659857	607301910710 16	2	19044.82788	0.000105015
607301707110 06	3518	9365.932917	0.375616613	607301704920 09	4	19046.16638	0.000210016
607301710630 09	6	9369.078098	0.000640405	607300833110 00	51	19047.36151	0.002677536
607302001910 15	183	9371.798413	0.019526668	607301701020 12	86	19050.63814	0.004514284
607302011010 43	2	9382.523864	0.000213162	607301704920 05	1402	19052.83049	0.073584867
607302011010 42	2	9390.947839	0.000212971	607301930410 05	5	19055.24842	0.000262395
607302003130 00	23	9391.50617	0.002449021	607300837420 01	58	19062.24782	0.003042663
607301710940 06	15	9402.478864	0.001595324	607300834710 07	3	19070.28983	0.000157313
607302003220 05	6	9404.528795	0.00063799	607300835210 05	12	19071.68437	0.000629205
607301710630 08	12	9411.724196	0.001275005	607300832410 11	2	19078.54614	0.00010483
607301705710 00	66	9412.295782	0.007012104	607300835320 02	2	19091.05553	0.00010476
607302020810 00	1	9419.542742	0.000106162	607301701020 11	5	19091.61273	0.000261895
607301706520 16	3	9425.242457	0.000318294	607301930410 07	1	19094.81105	5.23702E-05
607302003610 02	92	9428.160332	0.009758001	607301930520 02	3	19096.32577	0.000157098
607302001930 05	1	9431.387071	0.000106029	607301852210 16	503	19099.84644	0.02633529
607302011110 13	9	9433.44193	0.000954053	607301911120 04	4	19101.72629	0.000209405
607301707020 06	4	9434.542036	0.000423974	607301920310 00	13	19105.57484	0.00068043
607302011110 05	1	9437.903608	0.000105956	607301780910 04	4	19108.596	0.00020933
607302011120 09	17	9439.7848	0.001800889	607301781020 05	41	19111.03792	0.002145358
607302003220 07	25	9446.510965	0.00264648	607300838010 01	12	19112.62454	0.000627857
607302020910 03	5	9462.195347	0.000528419	607301720210 15	2	19118.25006	0.00010461
607301711120 02	65	9463.132172	0.006868762	607301704510 06	2	19120.72205	0.00010459
607301707010 04	5	9463.771177	0.000528334	607301704840 11	2	19122.49461	0.00010458
607302003120 08	32	9463.827915	0.003381296	607301851610 01	76	19123.95313	0.003974074
607302001510 20	7	9464.851916	0.000739578	607301780130 02	20	19134.51446	0.001045232
607301707020 05	3	9468.380025	0.000316844	607300834730 05	8	19138.50157	0.000418006
607302003810 07	2	9468.747165	0.000211221	607301704310 07	9	19139.60112	0.000470229
607302001510 15	8	9487.997465	0.000843171	607300835230 03	63	19142.09115	0.003291176
607307706520 00	186	9497.478347	0.019584146	607301704840 10	813	19144.96155	0.042465481
607302001930 07	5	9501.99205	0.000526205	607300838110 05	4	19146.90808	0.000208911
607302071010 14	73	9502.092766	0.007682518	607301704910 01	1	19148.6735	5.22229E-05
607302030440 13	160	9510.279545	0.016823901	607301852210 15	170	19149.47973	0.008877526
607302020810 06	2	9514.244188	0.000210211	607300835220 03	3	19151.72431	0.000156644
607301706520 18	6	9518.518486	0.00063035	607301911120 01	86	19153.41747	0.00449006
607301710930 00	460	9519.85083	0.048320085	607300834710 08	2	19158.13733	0.000104394
607301706010 01	43	9524.492928	0.004514676	607301780910 09	84	19158.3014	0.004384522
607302011110 02	41	9531.939934	0.004301328	607300835220 04	7	19160.3986	0.000365337
607302011010 22	3	9533.518378	0.000314679	607300833110 10	13	19161.17929	0.000678455
607302001720 25	140	9546.708183	0.014664741	607301781320 01	203	19165.2256	0.010592101
607301711110 39	5	9546.766258	0.000523738	607301930410 04	2	19180.15	0.000104274

COMMENTS	RESPONSES

Comment Letter ReO6d

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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	0.126420636	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	0.00010402	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

COMMENTS	RESPONSES

Comment Letter ReO6d

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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	9912.568843	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	9.94946E-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

COMMENTS	RESPONSES

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Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)
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	0.00331891
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	0.00831548
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

COMMENTS	RESPONSES

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Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)
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	0.037268165
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

COMMENTS	RESPONSES

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60730201112004	26	10561.4856	0.002461775	60730178091021	80	19833.92629	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
60730170163012	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	9.38928E-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	60730196031004	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	9.31296-05	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

COMMENTS	RESPONSES

Comment Letter ReO6d

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)
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	0.001752226	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	0.000183568	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

COMMENTS	RESPONSES

Comment Letter ReO6d

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)
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	20221.76103	0.000346161
60730170691001	2	11080.46903	0.000180498	60730172011024	4	20226.07823	0.000197764
60730207122009	5	11084.2532	0.00045109	60730193012005	3	20226.80523	0.00014831 8
60730200351005	5	11099.86861	0.000450456	60730191033014	18	20227.34205	0.000889685
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	0.00014808 1
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	0.001065683	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

COMMENTS	RESPONSES

Comment Letter ReO6d

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)
60730200333002	2	11289.08819	0.000177162	60730170461008	4	20330.77058	0.00196746
60730199031000	86	11289.55079	0.007617664	60730185221000	10	20333.92123	0.00491789
60730200333000	22	11298.98711	0.001947077	60730083572004	13	20339.35425	0.000639155
60730199031003	102	11302.72747	0.00902437	60730170462002	4	20340.07801	0.00196656
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	0.000616439	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	0.033596642
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	0.00019545?
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	4.87961E-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

COMMENTS	RESPONSES

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Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)
607301990210 13	1	11503.9391	8.69267E-05	607300832420 10	1	20506.16819	4.87658E-05
607302071110 14	32	11504.53248	0.002781512	607302080120 21	5	20514.62416	0.000243729
607301705130 05	5	11507.9	0.000434484	607300835730 05	4	20520.63246	0.000194926
607301990420 00	52	11510.26822	0.004517705	607301930310 20	4	20521.19795	0.00019492
607302071010 07	101	11511.91897	0.008773516	607301780110 00	5	20525.33135	0.000243601
607301710420 00	11	11514.84052	0.000955289	607301720120 25	7	20526.83535	0.000341017
607302003030 12	12	11519.88827	0.001041677	607301930130 10	6	20534.18164	0.000292196
607302003010 02	2	11522.24706	0.000173577	607301852230 01	2	20536.545	9.73874E-05
607302003410 04	3	11523.03116	0.000260348	607301852210 10	3	20537.67173	0.000146073
607301981110 01	3	11526.76385	0.000260264	607301930320 02	5	20542.9518	0.000243392
607302003520 01	10	11528.59116	0.000867409	607301720110 23	1	20544.53749	4.86747E-05
607301710820 13	2	11534.19455	0.000173397	607301850440 07	379	20545.24086	0.018447095
607302003410 03	39	11534.67442	0.00338111	607300835820 05	53	20546.47827	0.002579517
607302011030 34	79	11534.73418	0.006848879	607301704710 04	4	20550.79226	0.00019464
607301990530 21	7	11535.74145	0.00060681	607301930130 11	1	20552.94321	4.86548E-05
607301701420 03	1	11537.52803	8.66737E-05	607300834750 07	1	20554.36111	4.86515E-05
607301711120 19	2	11538.52612	0.000173332	607301704920 20	2099	20554.36437	0.102119431
607301710820 08	1	11543.85555	8.66262E-05	607301720110 19	2	20555.03862	9.72997E-05
607302003330 01	5	11545.03841	0.000433086	607301800030 06	1	20568.61011	4.86178E-05
607301702020 03	2	11548.44232	0.000173184	607301790210 07	55	20568.96358	0.002673932
607302003020 39	25	11550.24794	0.002164456	607301800030 08	1	20572.7725	4.86079E-05
607302003410 17	3	11551.2198	0.000259713	607300832450 00	54	20573.09838	0.002624787
607301990210 11	143	11551.62062	0.012379215	607300837410 01	40	20576.13127	0.001944
607301990420 06	1	11557.14654	8.65265E-05	607301780140 02	986	20577.03025	0.047917507
607301990510 00	20	11568.54234	0.001728826	607300837410 06	38	20577.35917	0.00184669
607302003540 06	17	11577.39055	0.001468379	607301851510 02	764	20578.49051	0.037126144
607302071110 16	15	11580.87532	0.001295239	607300834920 10	2	20589.69139	9.7136E-05
607301706110 00	13	11583.25969	0.001122309	607300835840 00	8	20594.90163	0.000386446
607301700620 00	1	11583.36529	8.63307E-05	607302080120 16	12	20614.20048	0.000582123
607302003310 02	12	11599.46122	0.001034531	607301720110 18	4	20620.83674	0.000193979
607301710710 02	24	11602.58909	0.002068504	607301790130 00	7	20621.27344	0.000339455
607301700630 04	2	11602.89884	0.000172371	607301880320 07	1	20623.00901	4.84895E-05
607302003020 14	1	11604.11172	8.61764E-05	607301704710 01	16	20623.33565	0.00077582
607301710820 17	20	11612.6374	0.001722262	607300832430 00	114	20624.3773	0.00552744
607301711120 18	16	11614.1471	0.00137763	607301850450 08	4	20632.21137	0.000193872
607301702030 07	3	11615.16813	0.000258283	607301780120 08	6	20634.1805	0.00029078
607301710820 11	2	11621.99955	0.000172087	607301780110 08	1341	20636.57762	0.064981705
607301990420 04	25	11622.47436	0.002151005	607301930310 06	12	20638.69061	0.000581432
607301710640 20	5	11624.41544	0.000430129	607301852230 02	685	20642.26812	0.033184338
607302003540 07	6	11624.74335	0.00051614	607300837210 01	10	20646.73539	0.000484338
607301770420 08	69	11626.75302	0.005934589	607300835810 00	12	20657.32261	0.000580908
607301710610 01	14	11627.73929	0.001204017	607301930310 11	2	20658.27955	9.68135E-05
607301990530 19	2	11630.69466	0.000171959	607301780110 10	6	20661.92728	0.000290389
607302011120 16	6	11631.26966	0.000515851	607301704510 12	8	20663.51487	0.000387156
607302003410 19	1	11637.62627	8.59282E-05	607302080120 28	2	20667.60839	9.67698E-05
607301706230 06	3	11637.96754	0.000257777	607301720110 22	1	20668.63553	4.83825E-05
607302003210 18	3	11640.63636	0.000257718	607301930320 07	3	20670.89364	0.000145132
607301706110 02	9	11642.53593	0.000773027	607301851510 07	2	20676.4573	9.67284E-05
607301710610 00	15	11643.40108	0.001288283	607300837410 03	19	20678.80619	0.000918815
607301990510 04	1	11645.21244	8.58722E-05	607301852420 07	7	20689.5449	0.000338335
607302003410 18	4	11645.76678	0.000343472	607301911130 03	30	20690.59013	0.001449934
607301700620 03	1	11647.98248	8.58518E-05	607300834920 12	1	20691.51593	4.8329E-05
607302003010 06	1	11650.67906	8.58319E-05	607300832430 04	3	20691.71424	0.000144986

COMMENTS	RESPONSES

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Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)
60730170201000	21	11654.37118	0.001801899	60730083584001	5	20694.70997	0.000241608
60730199051003	2	11654.63572	0.000171606	60730083492006	27	20699.68164	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	0.000721654
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

COMMENTS

RESPONSES

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Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)
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	60730083571001	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
60730171062004	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

COMMENTS	RESPONSES

Comment Letter ReO6d

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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	21096.66819	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

COMMENTS	RESPONSES

Comment Letter ReO6d

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)
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	0.0001413
60730170611004	35	12542.48852	0.002790515	60730188032005	82	21258.80166	0.003657226
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

COMMENTS	RESPONSES

Comment Letter ReO6d

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607301990210000	16	12636.24702	0.001266199	607301790121010	100	21331.98405	0.004687796
607301705110002	3	12636.60571	0.000237406	607301790110008	22	21335.58926	0.001031141
607301710810001	211	12637.47353	0.016696375	607301852510011	10	21337.66024	0.000468655
607301981010042	2	12642.55023	0.000158196	607300834620006	502	21344.41205	0.023519036
607301710840004	17	12648.48197	0.001344035	607300835030001	3	21347.59756	0.000140531
607301990430000	109	12649.47638	0.008616957	607300832440005	2	21350.47997	9.36747E-05
607302003010010	93	12655.45479	0.00734861	607301790120003	97	21351.08521	0.004543095
607301990440004	3	12659.87418	0.000236969	607301852220007	7	21353.92984	0.000327809
607301703430000	125	12666.94315	0.009868206	607300835830009	1	21358.09848	4.68206E-05
607301705120006	239	12667.22784	0.018867585	607301861210024	12	21361.42157	0.00056176
607302003020001	528	12672.89488	0.041663724	607300835830010	1	21362.31665	4.68114E-05
607301760610003	15	12674.12879	0.001183513	607300835830011	2	21366.73635	9.36034E-05
607301703330008	6	12680.06142	0.000473184	607301790120004	144	21371.36113	0.006737989
607301706220020	1	12682.38779	7.88495E-05	607300835140000	54	21371.49058	0.002526731
607301710610006	307	12706.02874	0.024161759	607300835840007	4	21373.75997	0.000187145
607301760130009	775	12711.13192	0.06097018	607300832440010	24	21376.90354	0.001122707
607301710840002	1004	12723.41414	0.078909638	607300835810013	6	21379.26185	0.000280646
607301700610002	5	12730.76268	0.000392749	607300832440009	1	21381.61459	4.67692E-05
607301910530018	2	12746.56239	0.000156905	607300834620007	541	21386.5887	0.025296227
607301740340004	7	12754.10057	0.000548843	607300835040003	1	21394.13982	4.67418E-05
607301760130002	5	12760.0371	0.000391848	607300837210002	2	21394.20146	9.34833E-05
607301780840011	3	12770.03897	0.000234925	607301852420006	13	21394.21334	0.000607641
607301981010014	3	12770.70206	0.000234913	607301850430000	1	21395.31458	4.67392E-05
607301981010019	406	12773.74801	0.031783937	607300834830000	16	21395.8668	0.000747808
607301981010013	5	12779.0769	0.000391265	607300835810014	48	21398.82065	0.002243114
607301710610018	4	12786.30043	0.000312835	607301800010017	157	21401.87813	0.007335805
607301740340005	3	12791.92175	0.000234523	607300832440003	33	21403.61526	0.001541796
607301920820014	46	12792.28448	0.003595918	607301910320001	3	21405.97881	0.000140148
607301740320004	2	12795.86635	0.0001563	607300835030003	4	21406.74165	0.000186857
607301703430002	1	12802.62544	7.81095-05	607301800010019	33	21417.44928	0.0015408
607302071120011	18	12813.16524	0.001404805	607300835040002	9	21418.40032	0.000420199
607301960220015	62	12814.16888	0.004838394	607300837320005	1	21419.56957	4.66863E-05
607301706210002	3	12816.63262	0.000234071	607301910330012	29	21431.37663	0.001353156
607301706230004	313	12817.17204	0.024420363	607300832440004	14	21435.14602	0.000653133
607301705610002	6073	12831.38828	0.473292513	607300837320011	2	21442.34332	9.32734E-05
607301760610001	4	12845.15074	0.000311402	607301911020009	10	21446.42971	0.000466278
607301780840004	68	12845.90405	0.005293516	607301861210043	2	21446.87924	9.32537E-05
607301700610003	3	12849.26445	0.000233476	607301861210026	2	21447.46058	9.32511E-05
607301706230012	86	12851.07639	0.006692046	607301910310024	2	21450.17826	9.32393E-05
607301703330003	287	12855.44756	0.022325166	607301790110004	2	21451.50231	9.32336E-05
607301990410013	3	12866.60339	0.000233162	607300835140001	2	21452.23928	9.32304E-05
607301705610004	967	12872.89571	0.075119074	607301800010013	33	21454.37879	0.001538148
607301981010032	3	12873.67039	0.000233034	607301852320000	44	21456.96545	0.002050616
607302210220002	2	12874.43232	0.000155347	607301880320003	12	21462.01765	0.000559127
607301981010016	1	12877.48448	7.76549E-05	607301911130000	36	21481.18801	0.001675885
607301780840010	2	12881.98787	0.000155256	607300950410003	1	21481.58077	4.65515E-05
607301706120011	216	12887.19888	0.016916011	607300836020003	2	21481.74286	9.31023E-05
607300836810000	8	12890.91031	0.000620592	607301850420004	142	21483.42675	0.006609746
607301981010035	3	12892.70837	0.00023269	607301911020018	3	21495.56654	0.000139564
607301702030027	53	12892.92715	0.004110781	607300836030001	10	21498.18457	0.000465156
607301710610003	2	12896.71151	0.000155078	607300835040004	1	21501.16144	4.65091E-05
607301705310003	75	12901.18059	0.005813421	607301800010020	9	21511.09845	0.000418389
607302210240001	2692	12905.33923	0.208595834	607300835040001	16	21511.25085	0.000743797

COMMENTS	RESPONSES

Comment Letter ReO6d

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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	21522.41568	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	13110.97096	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

COMMENTS	RESPONSES

Comment Letter ReO6d

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)
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	7.42796-05	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	4.56266E-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

COMMENTS	RESPONSES

Comment Letter ReO6d

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)
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	0.00044124	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	13734.58062	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	0.00014426	60730170224004	10	22280.10722	0.000448831

COMMENTS

RESPONSES

Comment Letter ReO6d

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)
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	0.00040199
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

COMMENTS	RESPONSES

Comment Letter ReO6d

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)
60730173052003	6	14715.19892	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	0.00069681	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

COMMENTS	RESPONSES

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Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)
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	61	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

COMMENTS	RESPONSES

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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

COMMENTS	RESPONSES

Comment Letter ReO6d

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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	14821.96824	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	6.69196-05	60730083501016	1104	23552.34937	0.046874305

COMMENTS	RESPONSES

Comment Letter ReO6d

Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)	Census Block	Total Jobs	Distacne from Project (Ft)	Accessability (Jobs/Destance)
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	0.002370578
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

COMMENTS

RESPONSES

Comment Letter ReO6d

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607301730510 20	3	15100.99967	0.000198662	607301862230 00	10	23778.08267	0.000420555
607301701810 00	498	15104.27271	0.032970803	607301820110 20	43	23779.27505	0.001808297
607301711061023	15	15105.60774	0.000993009	607301852120 14	2	23781.10137	8.41004E-05
607301705010 08	6	15106.51182	0.00039718	607302080610 10	7	23781.75762	0.000294343
607302150210 34	6	15111.17863	0.000397057	607301851010 07	103	23786.53317	0.004330181
607301705510 07	15	15111.75924	0.000992604	607301861610 18	83	23787.89166	0.00348917
607301920920 12	37	15113.30596	0.002448174	607300833910 06	7	23789.50247	0.000294247
607301950320 08	7	15115.64935	0.000463096	607301861720 07	10	23790.84663	0.00042033
607301704010 01	162	15116.42708	0.010716618	607301830210 10	2	23798.78985	8.40379E-05
607302210230 01	1125	15129.13325	0.074359845	607301861610 30	134	23801.36328	0.00562993
607300836710 00	18	15131.67961	0.001189557	607301820110 21	39	23802.12872	0.001638509
607301950310 11	2	15131.70316	0.000132173	607301860930 03	2	23807.26154	8.4008E-05
607300836710 08	1	15133.98764	6.60764E-05	607300940010 18	36	23808.57727	0.00151206
607301740510 03	1	15141.02541	6.60457E-05	607301820110 19	4	23815.07362	0.000167961
607300836710 02	2	15142.22666	0.000132081	607301860930 00	2	23816.37066	8.39759E-05
607301703310 05	5	15142.31299	0.000330201	607300834620 27	946	23816.65344	0.039720106
607301981110 18	7	15147.80589	0.000462113	607300833910 31	1109	23819.7653	0.046557973
607301750230 06	55	15148.93898	0.003630617	607302080610 03	63	23822.25831	0.002644586
607300836710 11	1	15149.59796	6.60084E-05	607301862220 04	1	23825.29245	4.19722E-05
607301980910 11	27	15152.5572	0.001781877	607300835010 26	1445	23826.40289	0.060647006
607301730510 10	2	15155.23509	0.000131968	607301820120 00	6	23834.15515	0.00025174
607300836710 12	1	15157.56404	6.59737E-05	607301880410 14	322	23836.52994	0.013508678
607301760320 08	2	15159.40432	0.000131931	607301862010 04	4	23837.78632	0.000167801
607300832810 06	2	15160.02893	0.000131926	607302080520 44	9	23839.26836	0.000377528
607302210120 02	9	15162.1924	0.000593582	607301861930 00	64	23842.2597	0.002684309
607302150210 35	1	15166.75952	6.59337E-05	607302080520 50	9	23842.86189	0.000377471
607301703630 01	7	15167.05829	0.000461527	607301820110 35	18	23847.91328	0.000754783
607301780820 00	33	15170.15542	0.002175324	607301862010 01	4	23848.14502	0.000167728
607301740510 01	5	15172.93043	0.000329534	607301820110 23	1	23849.04835	4.19304E-05
607302071120 05	4	15184.05279	0.000263434	607300833910 07	734	23851.5971	0.030773621
607302150220 16	1	15188.02648	6.58413E-05	607301820110 22	19	23852.12614	0.000796575
607300836710 03	1	15195.99126	6.58068E-05	607301911030 17	8	23853.71542	0.000335378
607300833720 05	8	15198.13355	0.00052638	607301880310 17	112	23854.88121	0.004695056
607301740610 06	135	15199.3259	0.008881973	607301860910 09	3	23858.51813	0.000125741
607301740510 07	31	15204.60023	0.002038857	607301820110 01	2	23864.71632	8.38057E-05
607301920910 20	6	15204.8465	0.000394611	607301861720 08	1	23871.32302	4.18913E-05
607300836710 06	2	15209.77013	0.000131494	607300835010 19	1775	23872.33877	0.074353838
607300833710 00	79	15210.7901	0.005193682	607301820110 24	24	23881.09986	0.001004979
607301703630 08	17	15211.06508	0.001117607	607302080610 11	1	23883.19682	4.18704E-05
607301750230 07	41	15216.77532	0.002694395	607301850920 01	4	23886.44308	0.000167459
607301730620 04	14	15220.41084	0.000919817	607301830110 06	1	23890.38482	4.18578E-05
607301705320 08	181	15222.43651	0.011890344	607301861910 18	21	23891.21043	0.000878984
607301730510 28	2	15222.60133	0.000131384	607301860930 02	2	23897.79351	8.36897E-05
607301730620 07	66	15232.4165	0.004332865	607301910930 36	14	23902.05977	0.000585724
607300832820 13	3	15232.48966	0.000196948	607301910920 27	12	23905.24233	0.000501982
607301703310 07	3	15237.34778	0.000196885	607301820110 33	9	23907.54782	0.00037645
607301780810 07	1	15238.69526	6.56224E-05	607301860930 09	2	23908.98558	8.36506E-05
607301910520 06	12	15242.9116	0.000787251	607300834620 26	6	23915.30282	0.000250885
607301950320 04	11	15244.99206	0.000721548	607301850930 03	3	23916.14423	0.000125438
607301920910 19	12	15261.42057	0.000786296	607301862220 10	2	23922.87516	8.3602E-05
607301740610 07	1	15263.4544	6.5516E-05	607302080710 39	18	23923.99354	0.000752383
607302150220 17	12	15264.48462	0.000786139	607301862110 09	5	23933.12199	0.000208915
607301705620 04	164	15269.22623	0.010740557	607302080520 51	19	23933.97783	0.00079385

COMMENTS	RESPONSES

Comment Letter ReO6d

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60730195032009	71	15269.26806	0.004649863	607302080S2045	56	23934.06806	0.002339761
60730083281007	1	15270.1048	6.54874E-05	60730182011034	139	23940.01971	0.005806177
60730178082003	1	15273.89128	6.54712E-05	607300940010 4S	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	24014.29643	0.000291493
60730083281015	1	15329.46817	6.52338E-05	60730186171011	5	24015.20626	0.000208201
60730170362003	1	15331.31436	6.5226E-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
60730083372003	6	15335.13553	0.000391258	607302080S1007	1	24023.16386	4.16265E-05
60730171061024	104	15336.28138	0.006781305	60730183011009	3	24027.14643	0.000124859
60730083282023	3	15338.67017	0.000195584	607302080S2052	14	24027.70434	0.000582661
60730178081004	3	15342.72315	0.000195532	60730186132000	2	24029.99864	8.32293E-05
60730197012000	101	15343.19892	0.006582721	607302080S2022	1	24032.04225	4.16111E-05
60730170331008	76	15343.84407	0.004953126	60730083391037	671	24044.17205	0.02790697
60730083372004	2	15346.9878	0.000130319	60730186093007	1	24062.89543	4.15578E-05
60730176031001	11	15351.73752	0.000716531	60730182011032	25	24062.92841	0.001038943
60730192101008	14	15362.69474	0.000911298	607302080610 09	28	24073.11643	0.001163123
60730215021029	1	15363.49524	6.50894E-05	60730186161020	220	24076.44473	0.009137562
60730083372002	10	15364.60363	0.000650847	60730182011028	9	24078.2151	0.000373782
60730083281014	5	15366.11791	0.000325391	607300835 01027	41	24083.16005	0.001702434
60730178082001	5	15366.62872	0.00032538	607300835 01032	2819	24083.52691	0.117050962
60730173051018	2	15367.38347	0.000130146	60730186171004	3	24094.28819	0.000124511
60730176031000	202	15367.58838	0.013144548	607302080S1011	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
60730221012006	1678	15379.18365	0.109108522	60730186223005	2	24120.42493	8.29173E-05
60730195032000	91	15383.37241	0.005915478	607302080S2053	3	24123.49682	0.00012436
60730174071002	2	15387.43552	0.000129976	607302080S2047	15	24127.33474	0.000621701
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

COMMENTS	RESPONSES
Comment Letter ReO6e # EXHIBIT 4	

COMMENTS	RESPONSES
Comment Letter ReO6e 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. ReO6e-1 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*	**Response to Comment ReO6e-1** Exhibit 4 consists of a July 19, 2024 letter from EFHGTC to the Rancho Santa Fe Fire Protection District (RSFFPD) Board of Directors. With generally editorial revisions, and several substantive additions, that full letter was submitted to the County during public review of the RFEIR by EFHGTC, and is included in this final FEIR. Specific responses to the letter are provided in responses to Comment Letter ReO3.

COMMENTS	RESPONSES

Comment Letter ReO6e

- 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.

ReO6e-1 cont.

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

Comment Letter ReO6e

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

ReO6e-1 cont.

Comment Letter ReO6e

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 well[1]. At the last minute, the fire changed direction, luckily for those several thousand vehicles at a standstill just downwind from the fire's origin.

ReO6e-1 cont.

[1] San Diego Union Tribune, April 24, 2019, *Cocos fire traffic jams to be reviewed* (link)

COMMENTS	RESPONSES
Comment Letter ReO6e *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. ReO6e-1 cont. *Elfin Forest / Harmony Grove Town Council - Page 5*	

COMMENTS	RESPONSES
Comment Letter ReO6e *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 ReO6e-1 cont. *Elfin Forest / Harmony Grove Town Council - Page 6*	

COMMENTS	RESPONSES

Comment Letter ReO6e

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

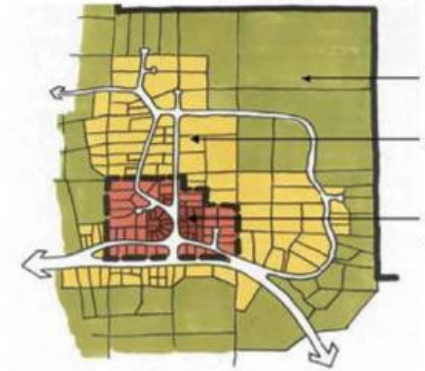
In 2011, the County adopted its General Plan for growth. It was a plan that included, as one of its policies, an attempt to limit expanding the wildland urban interface (WUI) to avoid placing more homes in wildfire harm's way. It also required that communities throughout the unincorporated county include 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.

ReO6e-1 cont.

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

COMMENTS	RESPONSES
Comment Letter ReO6e 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. **Community Development Model**  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 ReO6e-1 cont. *Elfin Forest / Harmony Grove Town Council - Page 8*	

Comment Letter ReO6e

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.

ReO6e-1 cont.

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

Comment Letter ReO6e

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 minutes[3] 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.*

ReO6e-1 cont.

[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)

Comment Letter ReO6e

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.

ReO6e-1 cont.

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 apparatus[5], 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)

Comment Letter ReO6e

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.

ReO6e-1 cont.

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)

COMMENTS	RESPONSES

Comment Letter ReO6e

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:

ReO6e-1 cont.

> *Will it result in inadequate emergency access?* ***Potentially Significant Impact.*** *County of San Diego CEQA Initial Study - p.44*[8]

- *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)

COMMENTS	RESPONSES
Comment Letter ReO6e 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) standard[9], 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."[9] 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. ReO6e-1 cont. 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 Obispo[10] 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) *Elfin Forest / Harmony Grove Town Council - Page 14*	

Comment Letter ReO6e

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:

ReO6e-1 cont.

"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)

COMMENTS	RESPONSES
Comment Letter ReO6e *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. ReO6e-1 cont. 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. *Elfin Forest / Harmony Grove Town Council - Page 16*	

Comment Letter ReO6e

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
Picture 1

Improving Fire and Emergency Medical Services in Unincorporated San Diego County
www.sdcountyfire.org

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ReO6e-1 cont.

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.

Comment Letter ReO6e

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.

ReO6e-1 cont.

[13] Rahn Conservation Consulting, Re: Harmony Grove Village South – Draft EIR, Wildfire Risk Analysis and Mitigation Measures, (link)

Comment Letter ReO6e

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

ReO6e-1 cont.

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

COMMENTS	RESPONSES
Comment Letter ReO6e 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. ReO6e-1 cont. *Elfin Forest / Harmony Grove Town Council - Page 20*	

COMMENTS	RESPONSES
Comment Letter ReO6e ReO6e-1 cont. 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. *Elfin Forest / Harmony Grove Town Council - Page 21*	

Comment Letter ReO6e

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.

ReO6e-1 cont.

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

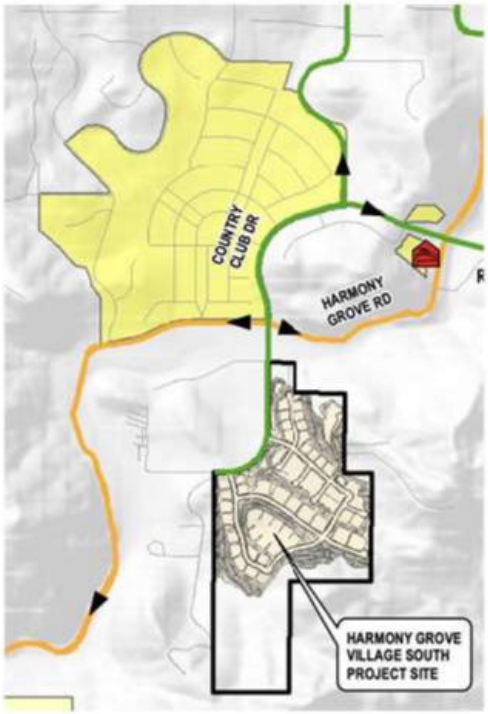
COMMENTS	RESPONSES

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 51179[14] *"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.

ReO6e-1 cont.

[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)

COMMENTS	RESPONSES
Comment Letter ReO6e  *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.* ReO6e-1 cont. *Elfin Forest / Harmony Grove Town Council - Page 24*	

COMMENTS	RESPONSES

Comment Letter ReO6e

- *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

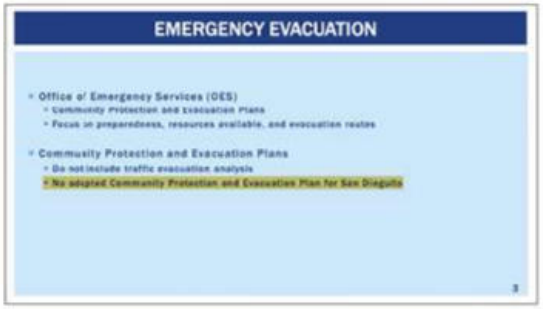
    - The County chose to ignore this information and proceeded to the Planning Commission with a slide (see below) that indicated no analysis was necessary due to a "lack of an adopted plan." This clearly contradicted what they knew to be true and the record shows that the County received notice that a plan did

ReO6e-1 cont.

[17] California Code of Regulations. Title. 14, division. 6, chapter 3, appendix G (link)

Comment Letter ReO6e

indeed exist. They deprived the community of much-needed analysis of evacuation impacts.



ReO6e-1 cont.

- 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 project[19]. 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

Comment Letter ReO6e

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 evacuations[20] 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

ReO6e-1 cont.

[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)

Comment Letter ReO6e

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.

ReO6e-1 cont.

[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)

Comment Letter ReO6e

- 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 stage[25], 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 South[27], 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]*

ReO6e-1 cont.

[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)

Comment Letter ReO6e

- 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.*

ReO6e-1 cont.

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

COMMENTS	RESPONSES
Comment Letter ReO6e 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. o 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). ReO6e-1 cont. [30] County of San Diego Consolidated Fire Code, 2023, Sec. 111.4.3 (link) *Elfin Forest / Harmony Grove Town Council - Page 31*	

COMMENTS	RESPONSES
Comment Letter ReO6e • We'd like an opportunity to meet with the District Board of Directors to provide further input and answer any questions. ReO6e-1 cont. • We'd like this to be placed on the next agenda for discussion. *Elfin Forest / Harmony Grove Town Council - Page 32*	

COMMENTS	RESPONSES
Comment Letter ReO6f # EXHIBIT 5	

COMMENTS	RESPONSES

Comment Letter ReO6f

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WINTER KING
Attorney
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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. ReO6f-1

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

Response to Comment ReO6f-1

The comments provided to the Board of Supervisors on July 24, 2018 prior to the Project approval on July 25, 2018 have been resubmitted as Exhibit 5 of this current letter. Commenter did not submit the attachments noted on pages 60 and 61 of their letter. As noted in the July 24 letter, that submittal also included the letters submitted by commenter on June 29, 2015 and April 9, 2018. Commenter also submitted a letter on May 23, 2018. Each of those latter three letters were responded to in detail and are part of the Project administrative record, as demonstrated in Project files on the County website.

The resubmitted July 2018 letter references concerns related to projected sprawl, conflicts with planning documents, inability to make zoning code findings, disagreement with alternatives findings and lead agency rejection of the Town Council/Harmony Grove Commons Alternative, projected issues with making LAFCO findings, and adequacy of the Project growth inducement analysis; as well as disagreement with fire thresholds of significance, evacuation and fire start analyses, and biological analyses; concerns over lack of secondary access, state route analyses, and line of sight at the Project entrance; issues with County bundling of GPAs, land use inconsistency, lack of affordable housing, dislike of the County's approach to cumulative impacts (and concerns over cumulative projects throughout the County and in the City of Escondido); County CAP issues, and use of "unapproved consultants."

The County finds that these topics were variously expressly considered during prior Project approval (largely based on the detailed responses previously provided), were before decision makers in July 2018, and/or were raised (or commenter decided that they were not worth raising) in CEQA challenge filings on the Project initiated in 2018. Restatement of issues previously addressed does not require additional response and no responses to this prior submittal are provided here. Where information related to the RFEIR is raised again in Comment Letter ReO6a, responses are provided there. Please also refer to Global Response: Res Judicata and New Information.

Comment Letter ReO6f

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.

ReO6f-1 cont.

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,

Comment Letter ReO6f

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.

ReO6f-1 cont.

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

Comment Letter ReO6f

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.

ReO6f-1 cont.

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,

Comment Letter ReO6f

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

ReO6f-1 cont.

COMMENTS	RESPONSES

Comment Letter ReO6f

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.*

ReO6f-1 cont.

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

Comment Letter ReO6f

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.

ReO6f-1 cont.

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.

Comment Letter ReO6f

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").

ReO6f-1 cont.

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.

Comment Letter ReO6f

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.4tojh 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.*

ReO6f-1 cont.

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

Comment Letter ReO6f

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.

ReO6f-1 cont.

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.

Comment Letter ReO6f

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 or 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.

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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

COMMENTS	RESPONSES

Comment Letter ReO6f

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 off 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").

ReO6f-1 cont.

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

COMMENTS	RESPONSES
 Comment Letter ReO6f 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; ReO6f-1 cont. 	

COMMENTS	RESPONSES

Comment Letter ReO6f

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.

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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.

ReO6f-1 cont.

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

Comment Letter ReO6f

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.

ReO6f-1 cont.

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.

Comment Letter ReO6f

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.

ReO6f-1 cont.

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.

ReO6f-1 cont.

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 Envt 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

Comment Letter ReO6f

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).

ReO6f-1 cont.

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

COMMENTS	RESPONSES

Comment Letter ReO6f

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.

ReO6f-1 cont.

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

Comment Letter ReO6f

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 where 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.

ReO6f-1 cont.

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

Comment Letter ReO6f

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.*

ReO6f-1 cont.

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

COMMENTS	RESPONSES

Comment Letter ReO6f

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.

ReO6f-1 cont.

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

Comment Letter ReO6f

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.

ReO6f-1 cont.

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

Comment Letter ReO6f

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.

ReO6f-1 cont.

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

Comment Letter ReO6f

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.

ReO6f-1 cont.

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.

ReO6f-1 cont.

COMMENTS	RESPONSES

Comment Letter ReO6f

- **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.

ReO6f-1 cont.

In addition, the City of Escondido is currently considering a project that would further urbanize the County's rural landscape:

Comment Letter ReO6f

- **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.

ReO6f-1 cont.

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"

COMMENTS	RESPONSES

Comment Letter ReO6f

> 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."

ReO6f-1 cont.

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."

Comment Letter ReO6f

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.

ReO6f-1 cont.

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.

Comment Letter ReO6f

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.

ReO6f-1 cont.

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.

ReO6f-1 cont.

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

ReO6f-1 cont.

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.").

ReO6f-1 cont.

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.

ReO6f-1 cont.

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.

ReO6f-1 cont.

Comment Letter ReO6f

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.

ReO6f-1 cont.

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.

Comment Letter ReO6f

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.*

ReO6f-1 cont.

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

Comment Letter ReO6f

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.

ReO6f-1 cont.

A calculation of ozone precursor emissions VOC and NOx 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 NOx emissions, an amount that exceeds the SDAPCD threshold by about 850 percent.

COMMENTS

RESPONSES

Comment Letter ReO6f

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 %**

ReO6f-1 cont.

[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.

Comment Letter ReO6f

Again, there are hundreds of other projects currently contemplated by the County that will also generate VOC and NOx emissions. This cumulative increase in VOC and NOx 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.

ReO6f-1 cont.

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

Comment Letter ReO6f

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).

ReO6f-1 cont.

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

Comment Letter ReO6f

treacherous if not fatal. As this news video[14] 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.

ReO6f-1 cont.

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

ReO6f-1 cont.

[15] available at https://www.epa.gov/sciencematters/danger-wildland-fire-smoke-public-health.

Comment Letter ReO6f

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.

ReO6f-1 cont.

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]

ReO6f-1 cont.

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.

Comment Letter ReO6f

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.

ReO6f-1 cont.

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	VMT	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 VMT 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 VMT 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 VMT.[25]

ReO6f-1 cont.

[17] The Project would result in 11.5 million VMT annually which equates to approximately 31,507 VMT 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]	4,707gallons 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	26,575VMT 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.**		

ReO6f-1 cont.

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.

ReO6f-1 cont.

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 CO2e/year [36]	5,222 MT CO2e/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.

Comment Letter ReO6f

Lilac Hills	18,239 MT CO2e/year[39]	33,211 MT CO2e/year[40]	yes[41]
Newland Sierra	93,323 MT CO2e/year[42]	52,986 MT CO2e/year[43]	yes[44]
Otay Ranch Village 14	21,845 MT CO2e/year[45]	16,384 MT CO2e/year[46]	yes[47]
PSR GPA	36,776 MT CO2e/year[48]	42,648 MT CO2e/year[49]	compliance with CAP (which may include purchase of carbon offsets).[50]
TOTAL	174,594 MT CO2e/year[51]	150,451 MT CO2e/year	

ReO6f-1 cont.

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.*

Comment Letter ReO6f

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).

ReO6f-1 cont.

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.

ReO6f-1 cont.

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.

Comment Letter ReO6f

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.

ReO6f-1 cont.

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.

Comment Letter ReO6f

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.

ReO6f-1 cont.

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

Comment Letter ReO6f

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.

ReO6f-1 cont.

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

Comment Letter ReO6f

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.

ReO6f-1 cont.

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.

COMMENTS	RESPONSES

Comment Letter ReO6f

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.

ReO6f-1 cont.

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
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COMMENTS

RESPONSES

Comment Letter ReO6f

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	*"Alarming failures left many in path of California wildfires vulnerable and without warning,"* Los Angeles Times, Dec. 29, 2017
Attachment 5	*"Expenses in California's wildfires hit record levels,"* 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	"Record Heat in Southern California, and an Ominous Start to Wildfire Season," New York Times, July 7, 2018
Attachment 8	*"Why California's fire season is off to the worst start in 10 years,"* 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	*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
Attachment 13	Caught in the Firestorm. Wildlands Urban Interface, Fire Rescue Magazine February 1, 2016
Attachment 14	*The Response and Recovery of Animals and Plants to the 2003 and 2007 San Diego County Wildfires,* USGS Western Ecological Research Center. March 11, 2010
Attachment 15	*Wildfires and Air Pollution: the Hidden Health Hazards of Climate Change,* A. Kenward, D. Adams-Smith, and U. Raja, Climate Central, 2013
Attachment 16	*Monitoring Health Effects of Wildfires Using the BioSense System, San Diego County, California,* CDC Morbidity and Mortality Weekly Report 57:1741-44, October 2007.
Attachment 17	"Wildfire Threats in Ventura and San Diego Counties," New York Times, Dec. 7, 2017.
Attachment 18	San Diego The Regional Plan, Appendix J (Regional Growth Forecast)

ReO6f-1 cont.

SHUTE, MIHALY & WEINBERGER LLP

COMMENTS

RESPONSES

Comment Letter ReO6f

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

ReO6f-1 cont.

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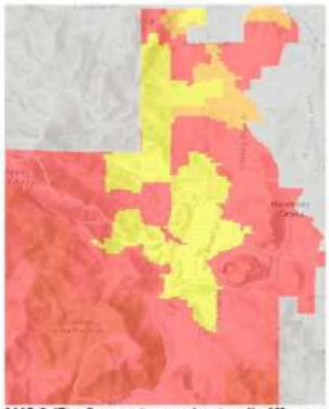
COMMENTS	RESPONSES
Comment Letter ReO6g # EXHIBIT 6	

COMMENTS	RESPONSES
Comment Letter ReO6g  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 are 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/ ReO6g-1	**Response to Comment ReO6g-1** The comment consists of exhibits comparing CAL FIRE maps from 2007 and 2023. Responses to Comments ReO6a-3, -12, -71, and -72, among others, including the Global Responses: Res Judicata and New Information and 2024 Fire / Evacuation, discuss the change in mapping. No additional response to the exhibit is warranted.

COMMENTS	RESPONSES
Comment Letter ReO6h **EXHIBIT 7**	

COMMENTS	RESPONSES
Comment Letter ReO6h CALIFORNIA NATURAL RESOURCES AGENCY 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	The comment letter includes a full copy of the November 2018 Final Statement of Reasons for Regulatory Action Amendments to the State CEQA Guidelines (OAL Notice File No. Z-2018-0116-12). It is noted that although Project opponents filed CEQA challenges to the Project in 2018, Court holdings on their allegations were not made until 2020 through 2022, when each of the 2018 amendments would have held full effect and could have been cited by the Court during CEQA Project challenge, if appropriate. The remaining responses address potential applicability to the Proposed Project.

COMMENTS	RESPONSES
Comment Letter ReO6h # 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. ReO6h-1 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 2 | Page	**Response to Comment ReO6h-1** This comment consists of general information on the update/purpose/focus/goals. No response is needed.

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]

ReO6h-1 cont.

[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.

COMMENTS	RESPONSES

Comment Letter ReO6h

- *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.

ReO6h-1 cont.

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.

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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.

Comment Letter ReO6h

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.*

ReO6h-1 cont.

COMMENTS	RESPONSES
Comment Letter ReO6h *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 6 | Page ReO6h-1 cont. ReO6h-2	**Response to Comment ReO6h-2** The County notes and agrees with Section 15004 relative to timing, lack of vested development rights, and ability to enter into some pre-approval agreements. No change to Project documentation is required.

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.

ReO6h-2 cont.

COMMENTS	RESPONSES
Comment Letter ReO6h 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 8 | Page ReO6h-3	**Response to Comment ReO6h-3** The County is the CEQA lead agency for this Project, and coordinates as necessary with adjacent cities, water and resources agencies, etc. No change to Project documentation is required.

COMMENTS	RESPONSES
Comment Letter ReO6h 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. ReO6h-3 cont. **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. ReO6h-4 **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 9 | Page	**Response to Comment ReO6h-4** The Project as a whole is not exempted from CEQA. Excluding the exemption described in FEIR Subchapter 2.7 relevant to implementation of GHG mitigation, no exemption applies. The section is not applicable to the Project and no further response is required.

Comment Letter ReO6h

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.

ReO6h-4 cont.

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.

COMMENTS	RESPONSES
Comment Letter ReO6h **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. ReO6h-4 cont. **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. ReO6h-5 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. 11 | Page	**Response to Comment ReO6h-5** The Project is moving forward with an EIR. Section 15063 addresses negative declarations and is not applicable to the Project. No further response is required.

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.

ReO6h-5 cont.

ReO6h-6

Response to Comment ReO6h-6

The Project FEIR contains clearly stated thresholds of significance under the headings "Guidelines for the Determination of Significance" as well as source information for those guidelines. Please also refer to Global Response: Res Judicata and New Information.

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.

ReO6h-6 cont.

COMMENTS	RESPONSES
Comment Letter ReO6h **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 14 | Page ReO6h-6 cont. ReO6h-7	**Response to Comment ReO6h-7** Section 15064.3 addresses VMT. Please refer to Response to Comment ReO1-5 regarding inapplicability to the Project.

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

ReO6h-7 cont.

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 heath; 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

ReO6h-7 cont.

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.

ReO6h-7 cont.

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 world "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.)

ReO6h-8

Subdivision (b)

Response to Comment ReO6h-8

The wording change between "should" and "shall" was reflected in the subdivision quote in recirculated Subchapter 2.7. The Project is consistent with remaining items of Section 15064.4: (1) emissions were addressed directly; (2) the Project goal is no net change, so there is no incremental change to be additionally addressed; (3) both short- and long-term (construction and operation) period effects were addressed using standard acceptable methodology; (4) consistency with local and regional plans is addressed; (5) no net increase in emissions is consistent with the state's long-term climate goals and strategies; and (6) the model used is clearly described and appropriate. The Project complies with the 2018 revised guideline. No change to Project documentation is required.

Comment Letter ReO6h

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,

ReO6h-8 cont.

Comment Letter ReO6h

§ 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

ReO6h-8 cont.

COMMENTS	RESPONSES
Comment Letter ReO6h 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. **20 |** Page ReO6h-8 cont.	

Comment Letter ReO6h

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.

ReO6h-8 cont.

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.

ReO6h-9

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

21 | Page

Response to Comment ReO6h-9

The County does not propose any changes to the 2018-circulated guidelines for determination of significance. Please refer to Global Response: Res Judicata and New Information.

COMMENTS	RESPONSES
Comment Letter ReO6h 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 22 | Page ReO6h-9 cont.	

COMMENTS	RESPONSES
Comment Letter ReO6h 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. ReO6h-9 cont. 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. ReO6h-10 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, 23 | Page	**Response to Comment ReO6h-10** The Project is moving forward with an EIR. Section 15072 addresses negative declarations and is not applicable to the Project. No further response is required.

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.

ReO6h-10 cont.

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.

Comment Letter ReO6h

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 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

ReO6h-10 cont.

ReO6h-11

Response to Comment ReO6h-11

The Project NOP was distributed on August 27, 2015 and circulated for a 30-day review period. The County appropriately posted and sent notices to relevant agencies at that time. Please refer to Global Response: Res Judicata and New Information.

COMMENTS	RESPONSES
Comment Letter ReO6h 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** 26 | Page ReO6h-11 cont. ReO6h-12	**Response to Comment ReO6h-12** Section 15086 adds consultation with public transportation agencies with facilities within 0.5 mile of a Project. There is no existing public transportation facility within 0.5 mile. Nonetheless, the Project coordinated with North County Transit District, which found "the Project consistent with NCTD standards" (see their letter of April 26, 2017 on the County Project website). No further response is necessary.

Comment Letter ReO6h

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.

ReO6h-12 cont.

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

ReO6h-13

27 | Page

Response to Comment ReO6h-13

The County allows for submittal of both digital and mail comments, and maintains an administrative record of documents incorporated by reference and/or cited. There is no conflict with Section 15087 and no further response is necessary.

Comment Letter ReO6h

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

ReO6h-13 cont.

COMMENTS	RESPONSES
Comment Letter ReO6h 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 29 | Page ReO6h-13 cont. ReO6h-14	**Response to Comment ReO6h-14** County practice with regard to responses to comments received is consistent with Section 15088. There is no conflict and no further response is necessary.

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

ReO6h-14 cont.

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

COMMENTS	RESPONSES
Comment Letter ReO6h 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. ReO6h-14 cont. 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. ReO6h-15 **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 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** 31 | Page	**Response to Comment ReO6h-15** As appropriate, if the Project is approved, the future Project Notice of Determination filed by the County will meet Section 15094 requirements. No further response is necessary.

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.

ReO6h-15 cont.

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").)

ReO6h-16

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

Response to Comment ReO6h-16

The Project is moving forward with an EIR. Section 15107 addresses negative declarations and is not applicable to the Project. No response is required.

COMMENTS	RESPONSES
Comment Letter ReO6h 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. ReO6h-16 cont. 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. ReO6h-17 **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. 33 | Page	**Response to Comment ReO6h-17** The HGV South Project Description (see 2018 FEIR Chapter 1.0) was detailed, accurate, and is unchanged with regard to disturbance footprint, number of structures, uses, overall physical design, landscaping, etc. The Project description provides a clear description of proposed actions, as well as a clear basis for subsequent impact assessment. There is no conflict with Section 15124 and no further response is necessary. Please also refer to Global Response: Res Judicata and New Information.

Comment Letter ReO6h

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.

ReO6h-17 cont.

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.

ReO6h-18

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

34 | Page

Response to Comment ReO6h-18

The FEIR is consistent with Section 15125 which addresses identification of the best baseline (specified existing, or specified past or future) conditions. The Project used existing conditions as appropriate, and completion of the HGV buildout where use of existing conditions could be misleading (e.g., for traffic, where that project would put more cars on the road than would be assumed if conditions at NOP issuance were used). Please also refer to Global Response: Res Judicata and New Information. No change to Project documentation is required.

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

ReO6h-18 cont.

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

COMMENTS	RESPONSES

> 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

ReO6h-18 cont.

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.

ReO6h-18 cont.

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

ReO6h-19

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

37 | Page

Response to Comment ReO6h-19

Section 15126.2 was amended to more clearly state that EIRs must look at levels to which on-site uses would exacerbate off-site risks by bringing people or development to an area. No flooding issues are associated with the site (see 2018 FEIR Section 3.1.4, which identifies less than significant change to both on- and off-site drainage issues, including flooding). The County does not propose to restrict or otherwise regulate the Project site beyond existing land use policies and regulation as described in the FEIR. Specific to wildfire issues, because of public interest in this issue and the County's wish to clarify information already provided in 2018, an additional global response addressing the likelihood of on-site fire starts spreading off site, as well as evaluation of potential changes to area wildfire likelihood based on updated fire hazard severity zone maps (see Global Responses: 2024 Fire / Evacuation and Res Judicata and New Information). No changes to CEQA conclusions for hazards issues resulted. Relative to GHG, the Project proposes design and mitigation attaining no net change from existing conditions, so regional effects would be neutral (see FEIR Subchapter 2.7). The 2018 FEIR has a detailed Energy discussion (Section 3.1.1), which specifically identified use of energy in a wasteful manner or inconsistent with plans and policies in one of its guidelines for determination of significance. No natural gas is now proposed for on-site use, and no net increase over existing conditions is the standard for Carbon Dioxide Equivalent (taking into account emissions associated with electrical use, construction energy use, vehicular emissions, etc.). No change to 2018 CEQA conclusions would occur. Please also refer to Global Response: Res Judicata and New Information.

Comment Letter ReO6h

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*

ReO6h-19 cont.

Comment Letter ReO6h

Jase (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).)

ReO6h-19 cont.

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.

ReO6h-19 cont.

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

ReO6h-19 cont.

Comment Letter ReO6h

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

ReO6h-19 cont.

COMMENTS	RESPONSES
Comment Letter ReO6h 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. ReO6h-19 cont. 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.) ReO6h-20 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.) 43 | Page	**Response to Comment ReO6h-20** Section 15126.4 addresses proposed mitigation. Excluding the single technical issue of GHG, no issues regarding mitigation were identified by the Court of Appeal. The GHG mitigation measure was revised and Subchapter 2.7, *Greenhouse Gas Emissions*, was recirculated from August 22 through October 7, 2024, with comments received on the mitigation measure (as well as other topics) addressed in responses included in this FEIR. Please also refer to Global Response: Res Judicata and New Information.

Comment Letter ReO6h

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

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COMMENTS	RESPONSES
Comment Letter ReO6h 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. ReO6h-20 cont. 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. ReO6h-21 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 45 | Page	**Response to Comment ReO6h-21** Section 15152 looks at document "tiering" under CEQA. The HGV South FEIR is a project-specific document and does not tier off a program document; nor does it rely on General Plan consistency to eliminate need for analysis. The section does not apply to the Project and no response is required.

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.

ReO6h-21 cont.

COMMENTS	RESPONSES

Comment Letter ReO6h

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).)

ReO6h-22

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.

47 | Page

Response to Comment ReO6h-22

The HGV Potable Water Study and Sewer Master Plan were circulated with the 2018 FEIR, and discussed in FEIR Section 3.1.10. As stated in the amendment: "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" (a 2007 case, substantially predating the 2018 FEIR). Regardless, the Project did not meet the threshold for Water Supply Assessment preparation (500 residential units). The Project did project supply need over a 20-year planning period and availability of water during drought years. Please also refer to Global Response: Res Judicata and New Information. No change to Project documentation is required.

(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.

ReO6h-22 cont.

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).)

Comment Letter ReO6h

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

ReO6h-22 cont.

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

ReO6h-22 cont.

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.

ReO6h-22 cont.

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).)

ReO6h-23

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).)

Response to Comment ReO6h-23

Section 15168 does not apply to the Project. Please refer to Response to Comment ReO6h-21.

Comment Letter ReO6h

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

ReO6h-23 cont.

Comment Letter ReO6h

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.

ReO6h-23 cont.

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

COMMENTS	RESPONSES
Comment Letter ReO6h 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. ReO6h-23 cont. 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. ReO6h-24 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)* 54 | Page	**Response to Comment ReO6h-24** Section 15182 does not apply to the Project. The Project is not requesting exemption from CEQA analysis due to consistency with a Specific Plan. No response is required.

Comment Letter ReO6h

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)

ReO6h-24 cont.

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.

ReO6h-24 cont.

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

ReO6h-25

Response to Comment ReO6h-25

While permits and oversight related thereto are required for HGV South and are clearly addressed in the FEIR, a joint state and federal document (e.g., an EIR/Environmental Assessment or EIR/Environmental Impact Statement) is not required. The Project is solely an EIR. Section 15222 does not apply to the Project. No further response is required.

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

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 clarify 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.

ReO6h-25 cont.

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.

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

ReO6h-26

[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.)

Response to Comment ReO6h-26

The County has an administrative record associated with the 2018 FEIR, which will be augmented as necessary with updates and additions related to the 2024 recirculation of GHG. No problem with the 2018 administrative record was identified by the Court during CEQA litigation. Please also refer to Global Response: Res Judicata and New Information.

Comment Letter ReO6h

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).)

ReO6h-26 cont.

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

COMMENTS	RESPONSES
Comment Letter ReO6h 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. 59 | Page ReO6h-26 cont.	

Comment Letter ReO6h

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

ReO6h-27

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.

60 | Page

Response to Comment ReO6h-27

Section 15269 relates to emergency projects and does not apply to the Project. The HGV South Project is not proposed as an emergency exemption. No further response is required.

COMMENTS

RESPONSES

Comment Letter ReO6h

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.)

ReO6h-28

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.

61 | Page

Response to Comment ReO6h-28

Section 15301 relates to minor alterations of existing facilities and does not apply to the Project. The HGV South Project is a new proposal on a currently undeveloped site, and is not pursuing this exemption. No further response is required.

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.

ReO6h-28 cont.

Comment Letter ReO6h

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.

ReO6h-29

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

Response to Comment ReO6h-29

Consistent with Section 15357, the Project is identified by the County as a discretionary project. No further response is required.

COMMENTS	RESPONSES
Comment Letter ReO6h 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. ReO6h-29 cont. 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. ReO6h-30 **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** 64 | Page	**Response to Comment ReO6h-30** Section 15370 merely clarifies that the state accepts permanent protection of off-site resources through conservation easements. The Project is consistent with this section. No further response is required.

Comment Letter ReO6h

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. ReO6h-30 cont.

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. ReO6h-31

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

65 | Page

Response to Comment ReO6h-31

This comment addresses the Appendix G Checklist. It describes the purpose of an Initial Study, stresses that the environmental checklist "is only a *sample* form" (emphasis in the original), summarizes the history of checklist use, and then summarizes deletions and additions to the pre-2018 checklist adopted in 2018. As described in item 11 Appendix N on page 94 of this exhibit:

> *The 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 Section 15063, subd. [f].) Furthermore, 'CEQA grants agencies discretion to develop their own thresholds of significance...'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.*

The Project NOP and accompanying Initial Study were distributed on August 27, 2015 and circulated for a 30-day review period. Please refer to Global Response: Res Judicata and New Information.

COMMENTS	RESPONSES
Comment Letter ReO6h 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 are 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 66 | Page ReO6h-31 cont.	

Comment Letter ReO6h

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.

ReO6h-31 cont.

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.

ReO6h-31 cont.

Comment Letter ReO6h

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.

ReO6h-31 cont.

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.)

Comment Letter ReO6h

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.

ReO6h-31 cont.

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.

ReO6h-31 cont.

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

ReO6h-32

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.

Response to Comment ReO6h-32

This comment addresses Appendix M, which provides performance standards for a project seeking streamlined review under Section 15183.3. The section addresses overall streamlining where effects of development have been addressed in a planning level decision or by uniformly applicable development policies (e.g., consistency with a General Plan, or zoning). This does not apply to the Project, which has completed a stand-alone project-level EIR. No further response is required.

COMMENTS	RESPONSES

Comment Letter ReO6h

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.

ReO6h-33

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.

ReO6h-34

72 | Page

Response to Comment ReO6h-33

This comment addresses Appendix N. It is patterned on Appendix G. Please refer to Response to Comment ReO6h-31, above. No further response is required. Please also refer to Global Response: Res Judicata and New Information.

Response to Comment ReO6h-34

The comment addresses lack of imposition of a mandate on local agencies and school districts. It does not affect environmental analyses in the Project EIR. No response is required.

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.

ReO6h-35

Response to Comment ReO6h-35

This discussion provides "Master Responses" to questions asked by multiple reviewers during review of the 2018 modifications. As such, they do not provide guidance per se, but rather provide clarification for, or justification of, the guideline amendments addressed above. No further response is required.

Comment Letter ReO6h

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.)

ReO6h-35 cont.

74 | Page

COMMENTS	RESPONSES
Comment Letter ReO6h 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* 75 | Page ReO6h-35 cont.	

Comment Letter ReO6h

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).)

ReO6h-35 cont.

Comment Letter ReO6h

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.

ReO6h-35 cont.

Comment Letter ReO6h

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.

ReO6h-35 cont.

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.)

Comment Letter ReO6h

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. Winkelman, 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.)

ReO6h-35 cont.

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.

ReO6h-35 cont.

[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.

ReO6h-35 cont.

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

Comment Letter ReO6h

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**

ReO6h-35 cont.

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 Fuelish* (2010) [available at https://www.cnt.org/sites/default/files/publications/CNT_pwpf.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 Fuelish," 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

ReO6h-35 cont.

Comment Letter ReO6h

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.

ReO6h-35 cont.

[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.

COMMENTS	RESPONSES
Comment Letter ReO6h **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. ReO6h-35 cont. **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. 85 | Page	

Comment Letter ReO6h

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).)

ReO6h-35 cont.

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.

ReO6h-35 cont.

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

ReO6h-35 cont.

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.

ReO6h-35 cont.

COMMENTS	RESPONSES
Comment Letter ReO6h 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 persuade 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 90 | Page ReO6h-35 cont.	

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.

ReO6h-35 cont.

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

COMMENTS	RESPONSES

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

ReO6h-35 cont.

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].)

ReO6h-35 cont.

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 or 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.

ReO6h-35 cont.

Comment Letter ReO6h

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).)

ReO6h-35 cont.

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 than 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

ReO6h-35 cont.

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.

ReO6h-35 cont.

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

ReO6h-36

Response to Comment ReO6h-36

The commenter did not attach Appendix A as part of the comment. No response can be provided. The remainder of this comment addresses OPR processes regarding the proposed changes which are not applicable to an EIR prepared by others. No further response is required.

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

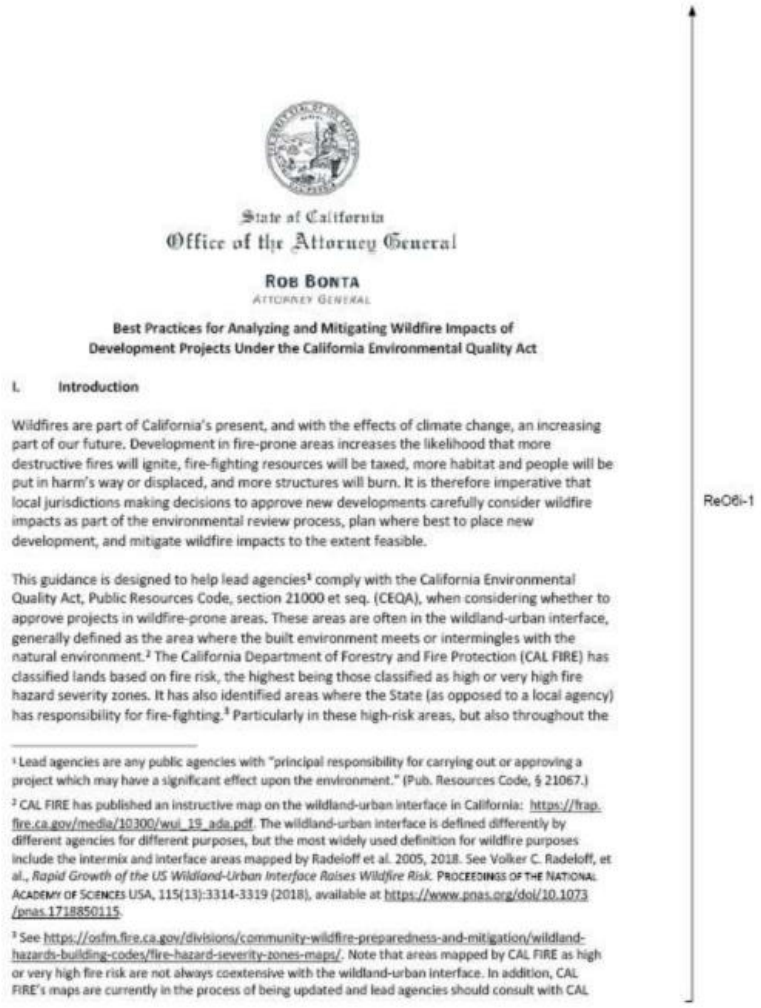
The Agency has determined that no alternative it considered or that was otherwise identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action,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

ReO6h-36 cont.

COMMENTS	RESPONSES
Comment Letter ReO6i **EXHIBIT 8**	

COMMENTS	RESPONSES
Comment Letter ReO6i  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 agencies[1] 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 ReO6i-1	**Response to Comment ReO6i-1** This document provides 2022 guidance from the California Attorney General (AG) regarding compliance with CEQA relative to analysis and mitigation of a proposed project's impacts on wildfire ignition risk, emergency access, and evacuation. As stated in the Introduction to that guidance: > *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, is it intended to provide guidance on some of the issues, alternatives, and mitigation measures that should be considered during the environmental review process.* The guidance opens with a "Background" section, discussing wildfire changes in frequency, intensity and location statewide. The County agrees with the general discussion, while noting that effect of background considerations will vary by location and site specifics, as noted in the above quote. A brief "Wildfire and Land Use Planning" discussion asks local jurisdictions to think proactively about how best to accommodate housing and development while reducing the risks of wildfire, and references OPR's guidance on compliance. Discussion of the OPR measures and HGV South compliance is provided in Global Response: 2024 Fire / Evacuation under the heading "California Office of Planning and Research WUI Guidelines." In a section entitled "Analyzing and Mitigating Wildfire Risk Impacts Under CEQA," the AG notes the types of environmental documentation required (an EIR was prepared for HGV South) and highlights the importance of describing existing environmental conditions (including project area open space, habitats, fire history/fuels, water supply, etc.). These issues were all addressed in the 2018 FEIR text, including responses to comments on the DEIR. The guidance specifically calls out potential impairment of an adopted emergency response or evacuation plan, environmental factors that may exacerbate wildfire risk, required installation/maintenance of infrastructure (roads, water, utilities) that could exacerbate wildfire, and issues such as downslope/downstream flooding /landslides. The great majority of these issues were addressed in 2018 relative

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 years[6] 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

ReO6i-1 cont.

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=468717e399fa4238ad8686163876 5ce1. 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*

to 2018 guidance. Please refer to Global Response: Res Judicata and New Information.

In terms of wildfire risks on a project, the AG identifies several variables for analysis: project density and fire starts, location in a landscape relative to topography and wind patterns, and water supply and infrastructure. These issues were all addressed in the 2018 FEIR text (Section 3.1.3, *Hazards and Hazardous Materials* under the headings "Wildland Fire Hazards" (both in existing conditions and impact discussions; the latter of which also addresses emergency response/evacuation). Included in the discussion is a listing of Fire Code-related water requirements and the Project design feature commitment that the water system would be designed to accommodate delivery up to 5,000 gpm during fire demands, which could exceed Code requirements by 100 percent. Specific issues raised regarding evacuation modeling and analysis are additionally addressed in the 2018 Global Responses: Global Responses to Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access, and 2024 Fire / Evacuation, which also addresses the AG guidance in more detail, as well as Res Judicata and New Information.

COMMENTS	RESPONSES

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 California[11] 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

ReO6i-1 cont.

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/.

COMMENTS	RESPONSES

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]

ReO6i-1 cont.

[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

Comment Letter ReO6i

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,

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ReO6i-1 cont.

Comment Letter ReO6i

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 declaration[25] 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 Guidelines[27] 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.

ReO6i-1 cont.

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

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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:

ReO6i-1 cont.

- **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.

COMMENTS	RESPONSES

(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]

ReO6i-1 cont.

[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/.

Comment Letter ReO6i

- **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 supply[41] 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.

ReO6i-1 cont.

[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.

9

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.

ReO6i-1 cont.

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]

ReO6i-1 cont.

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

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[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.

ReO6i-1 cont.

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.

ReO6i-1 cont.

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) Fremontia, 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.

ReO6i-1 cont.

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[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.

COMMENTS	RESPONSES

Comment Letter ReI1

From: David Bardwick <davidabardwick@gmail.com>
Sent: Monday, October 7, 2024 1:43 PM
To: Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; efhgtc@gmail.com; Lorenzana, Bianca; Montagne, Sarah; DMcQuead, Dave
Subject: [External] fire safety for Elfin Forest and Harmony grove

Dear Sirs and Madams,

This new project of 450+ homes in the immediate vicinity of my home in Elfin Forest (7960 Faraway Lane) puts me and My Family at severely high risk. One fire perhaps 25-30 years ago burned up to our property line. Others have threatened us more recently and more will come in the future, probably with increasing frequency and intensity. ReI1-1

This project may well make it impossible to get out in enough time and may leave hundred of people burned to death if this project is allowed to be built. Please stop this massive mistake before it's too late! ReI1-2

We just received the report from an evacuation expert and he determined, conservatively, that including HGVS, there would be 3,436 vehicles attempting to evacuate during a wildfire event. It would take approximately 7 hours to evacuate this many vehicles on our sub-par road network. An average speed wildfire that starts 6 miles away from the site, would arrive within an hour. The math does not work out for us. For those of you who lived through the Cocos Fire (2014) I'm sure you remember how frantic it was to try to evacuate. On the east side of the valley, backups on Country Club. On the west side hour long backups at San Elijo Road. For the next fire, we will have thousands more cars in the community. ReI1-3

"This project was originally approved in 2018, before recent, more stringent, state and local fire development guidelines were issued. Currently there is only one evacuation route proposed for the property, and all the new residents would end up on the same overcapacity road network as existing residents. However, regardless of which regulations apply, common sense tells us that projects in high fire-risk zones should have at least two evacuation routes, at a bare minimum, to ensure all people can get out safely when wildfire strikes. The HGVS property is rated as a "Very High Fire Severity Zone" and in fact, portions of the property burned in the Cocos Fire, which destroyed dozens of homes nearby 10 years ago. Given this information, we believe our Fire Chief must call for a new analysis of the fire risk of this development and the need for a second evacuation route, and our County leaders must support that new analysis." ReI1-4 ReI1-5 ReI1-6

Please consider the lives that are threatened by this project. Being burned to death must be the most awful of all deaths. This is not an anti growth issue for me. It is a life or death by fire issue. ReI1-7

Thank you for your consideration.

David and Amita Bardwick

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Response to Comment ReI1-1

The County appreciates your comments, but disagrees that the Project would put existing residents of the Project area at high risk. The occurrence of fires in the area is discussed in the 2018 FEIR and informs the associated technical studies and extensive review process of the Project's fire protection features. Please refer to Global Response: 2024 Fire / Evacuation regarding concern over increasing frequency and intensity of wildfire, as well as Response to Comment ReO4b-14 for a matrix showing variability in fire size (and difficulty in determining trends) over the last 10 years. As a general finding important to additional discussion, please note that the Court found 2018 fire-related safety studies to be appropriate.

> *We conclude the EIR contains a CEQA-compliant discussion of the potential wildland fire risks or exacerbation caused by the Project and the fire risks in the Project's vicinity, and that substantial evidence supports its conclusion that the Project measures would reduce them to a level of insignificance (Appellate Decision, page 40)*

Also, "We conclude the EIR's discussion of evacuation routes and timing satisfies CEQA requirements." (Appellate Decision, page 51). The following responses provide discussion related to specific fire and evacuation concerns raised in this letter.

Response to Comment ReI1-2

The County disagrees that approval of the Project would adversely affect the ability of individuals to evacuate. The Project has been extensively reviewed and it has been determined that the Project can either be safely evacuated or provide temporary refuge in the event of a wildfire. Please refer to Response to Comment ReI1-1, immediately above, in addition to 2018 Global Responses: Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access as well as Global Response: 2024 Fire / Evacuation. These discussions address evacuation approach, experts' (who are responsible for managing evacuations) opinions that they can evacuate the Project and the area and the contingency options available to projects like HGV South and HGV that can result in fewer vehicles on the road and less congestion.

COMMENTS	RESPONSES
	Please see Response to Comment ReO6b-8, regarding the fire spread scenario cited. Please also note that although the comment mentions an "average" speed of fire spread at 6 miles per hour, the Cova report on page 5 actually provides a range of spread rates, moving from 2 to 6 miles per hour. Please also refer to Response to Comment ReO6b-9, which additionally discusses these issues. **Response to Comment RelI1-3** Comments noted. It is understood that waiting to be moved during an evacuation may engender a sense of unease, but as an active participant, it is not possible to evaluate the overall considerations taken into account by emergency professionals. Movement on any one lane or route may be halted while another threat that must move out faster is prioritized. Although vehicle queues may move slowly, and discomfort may ensue, the bottom line for emergency responders during these tragic events is that there is no loss of life. No lives were lost during evacuation of the Cocos fire, and – as a first and most critical priority – that constitutes a successful evacuation. Please refer to "Local Technical Professionals' Consensus on Congestion During Evacuations" portion of the Global Response: 2024 Fire / Evacuation for addressal of evacuation traffic being at a "standstill" per testimony provided by fire managers at 2018 hearings. Please also see the 2018 Global Responses: Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access regarding Project planning relative to evacuation. **Response to Comment RelI1-4** The comments refer generally to "more stringent" fire development guidelines but no specific guidelines are noted. Refer to Global Response: 2024 Fire / Evacuation, which addresses the Project's continued compliance with noted updated codes and guidance documents related to fire. Fire codes related to the most important fire protection features have not changed substantially since 2018 Project approvals in terms of access, water, response, construction standards, and defensible space. Further, approved projects that require several years to begin construction are required to submit plans for RSFFPD review and will need to meet then-current building codes. If approved, this will also be the case for the Project.

COMMENTS	RESPONSES
	Response to Comment ReI1-5 Secondary access is one response, but not the only path, to meeting dead-end road length requirements and achieving an acceptable level of safety. Please refer to 2018 Global Responses: Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access, as well as Global Response: 2024 Fire / Evacuation regarding secondary access review and evacuation analysis; the latter also directly addresses the site's fire severity zone rating (unchanged since Project evaluation approved in 2018). Please also refer to Global Response: Res Judicata and New Information. **Response to Comment ReI1-6** The Project has been extensively reviewed by County and third-party fire officials who have determined the Project provides adequate fire protection measures and can safely be evacuated in the event of a wildfire. No additional modifications are required to achieve an acceptable level of safety. No new information related to fire risk has been presented that substantially alters the findings that the Project's fire protection features adequately address the Project site's fire risk. Refer to Global Responses: Fire Hazards Impact Analysis, Adequacy of Emergency Evacuation and Access, and 2024 Fire / Evacuation, and, more generally, Res Judicata and New Information. **Response to Comment ReI1-7** Refer to Response to Comment ReI1-1; the County does not agree that lives would be threatened by this Project. Opposition to the Project is noted. These comments are part of the administrative record, and will be before decision makers during consideration of the Project.

COMMENTS	RESPONSES
Comment Letter ReI2 **From:** April Bevins <aprilbevins14@gmail.com> **Sent:** Wednesday, October 2, 2024 9:52 AM **To:** Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; efhgtc@gmail.com; Lorenzana, Bianca; Montagne, Sarah; DMcQuead, Dave **Subject:** [External] Please protect our community and don't put our families in danger. Vote No on Harmony Grove Village South Dear Supervisors: As you are aware, wildfires are becoming more and more prevalent. Our community has suffered through dozens of large scale wildfires. We're probably the most wildfire prone community in the County. On average, we've had a major wildfire every four years since the 80s. We've lost hundreds of homes over the years and even lost a neighbor. ReI2-1 The roads in Elfin Forest, Harmony Grove and Eden Valley are treacherous. They are windy, two lane roads, lined with vegetation and thousands of acres of chaparral and scrub brush all around. Yes, it is beautiful, but it is dangerous. ReI2-2 It is unconscionable that the County and the Fire District have chosen to support a large subdivision that waives fire safety standards requiring secondary egress. Our community has supported big projects in the past, on assurances from County staff that "that one would be it." This project will break the proverbial camel's back and I loathe to think that we may become the next Camp fire due to the inability to evacuate the many thousands of cars. ReI2-3 ReI2-4 Please vote no on this terrible project or at the very least REQUIRE a secondary egress so I can escape the next fire with my children and pets. ReI2-5 Sincerely, April Bevins-Cooper 1	**Response to Comment ReI2-1** The County appreciates your comments. Please note, however, that they do not pertain to adequacy of the Project environmental analyses and do not require response. Similarly, each of the comments below relates to an issue outside the scope of recirculation pursuant to CEQA Guidelines Section 15088.5(c). For a full description of the 2024 scope of recirculation, please see the Recirculation Readers Guide, dated August 22, 2024. For purposes of information and clarity, however, please refer to Responses to Comments ReI1-1 regarding Appellate Court conclusions on the topic, ReO4b-14 regarding general fire burn history, and Global Response: 2024 Fire / Evacuation regarding tragic loss of a neighbor in 1996. While the comment does not address an issue in the 2024 recirculation, responses are provided below. **Response to Comment ReI2-2** This comment states opinion on local community roads and surrounding habitat. No question is raised and no response is required. **Response to Comment ReI2-3** The comment states opinion regarding past and potential future approval of the Proposed Project, and incorrectly states that the County "waived" fire safety standards requiring secondary access. This statement is inaccurate. Secondary access is one response, but not the only path, to meeting dead-end road length requirements. A modification to the applicable dead-end road length code provision was granted, as allowed by the Fire Code. As explained in 2018 FEIR Response to Comment I13-2, when the strict application of the requirements set forth in Fire Code Section 503.1.3 is impracticable, the fire code official may grant a modification from such requirements pursuant to Section 96.1.104.8. (MODIFICATIONS). A modification may be granted when the modification is in compliance with the intent and purpose of the code and such modification does not lessen health, life, and fire safety requirements. The "Findings and Mitigation Conclusion" in the FPP described in detail the basis for the decision that was made by the fire code official as follows: (1) an alternative approach for secondary access has been developed that meets the intent of the code through the implementation of a list of specifically developed

COMMENTS	RESPONSES
	measures and features; and (2) the modification from Fire Code Section 503.1.3 was granted based on Project design features that meet the intent and purpose of the Fire Code – the modification results in equivalent health, life, and fire safety requirements. Please also refer to 2018 Global Responses: Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access regarding secondary access review and to Global Response: 2024 Fire / Evacuation regarding comparison of 2018 analysis requirements with current standards. Please also refer to Global Response: Res Judicata and New Information. Again, please also refer to Response to Comment ReI1-1 for Appellate Court conclusions regarding Project fire and evacuation safety analyses. **Response to Comment ReI2-4** The County disagrees that commitments were made by the County that additional projects could not be proposed (a reasonable interpretation of commenter's words "that one would be it."). It could be reasonable that statements were made that a particular project would be the last one included in a planning document under consideration at the time, but that is not an assurance that no future project could occur. Any statements made (express, implied, and/or as understood by the commenter) cannot restrict a land use agency from making future decisions required as part of their charter. Plans are guidance documents, but the County makes project approval decisions based on specific proposed project location and design, detailed and objective environmental analysis, and plan conformity review. Based on these considerations, a decision is made to approve or disapprove a project. Guidance documents cannot tie the County's hands in amending prior decisions. As stated in 2018 FEIR Section 8.3.2.3, General Plan Related Issues, such an action: *is contrary to well established California law that prohibits the unlawful delegation of legislative authority. A legislative body may not contract away its police power by restricting future legislative actions to the consent of other property owners. This would be considered an unlawful surrender of the County's*

COMMENTS	RESPONSES
	legislative authority and an invalid "contracting" away of its police powers. Please also refer to Global Response: Res Judicata and New Information. Relative to evacuation concerns, please refer to global responses cited in Response to Comment ReI2-3. The reference to the 2018 Camp Fire is understood as a reference to a horrible fire event – in fact, a fire event that resulted in the greatest number of deaths of any California fire event. Please note, however, that the conditions are vastly dissimilar from the Project area. The Camp Fire occurred in Butte County in northern California within National Forest Area, and in an isolated area where miles of narrow, winding, roads are either under or abutting forest canopy, and not under conditions similar to the Project (i.e., within 1 mile of incorporated city dense development and in areas of scrub/grasslands where not abutting riparian vegetation associated with a creek). Wider, flatter roads, additional hardscape, and code-conforming landscaping are all part of modern County development in the Project area. **Response to Comment ReI2-5** Comments noted. Please refer to Response to Comment ReI2-3 regarding secondary egress. Opposition to the Project is noted, is part of the administrative record, and will be before decision makers during consideration of the Project.

COMMENTS	RESPONSES

Comment Letter ReI3

From: Ben & Chondra Brown <9weekwarrior@gmail.com>
Sent: Wednesday, October 2, 2024 1:27 PM
To: Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; efhgtc@gmail.com; Lorenzana, Bianca; Montagne, Sarah; DMcQuead, Dave
Subject: [External] Please don't continue to ruin our county with car-centric, sprawl projects in high wildfire areas. Say no to HGVS

Chairperson Vargas and Supervisors,

Thanks for the opportunity to give my perspective on HGV South. This is a terrible location for the project. It is a rural canyon, surrounded by conservation land that the taxpayers have footed the bill for. This includes thousands of acres across Del Dios Highlands, Elfin Forest Recreational Reserve and numerous adjacent Escondido Creek Conservancy parcels. In fact the parcel itself is in the draft MSCP for North County as a "PAMA" pre-approved mitigation area. The coastal sage scrub habitat is in high demand for mitigation as it is rare and disappearing. ReI3-1

Placing a 452 home project in this canyon will destroy habitat connectivity, it will increase driving (due to the increased VMTs that a car-centric, sprawl project will generate) and it will continue the terrible legacy of San Diego's suburban sprawl. ReI3-2

We need to encourage more infill, density in downtown areas where there already is infrastructure. The lack of proximity to transit will make these homes even more of an economic burden as households will require multiple vehicles to transport themselves.

But, most importantly, this project violates all the precepts of planning: avoiding high wildfire risk, lack of transit, lack of walkability, high GHG, high VMT, high end market rate homes and interfering with habitat. ReI3-3

Please vote no on this project. Let the conservationists purchase it and complete the wildlife corridor it was meant to be. ReI3-4

Sincerely,

Ben & Chondra Brown
9 Week Warrior , Co-Creator
Www.nonetheless.co

This transmission contains confidential and/or privileged information from 9 week warrior intended only for the use of the individual(s) to which it is addressed. If you are not the intended recipient, you are hereby notified that any disclosure, copying or distribution of this information or the taking of any action in reliance on the contents of this transmission is strictly prohibited. If you have received this transmission in error, please notify us immediately.

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Response to Comment ReI3-1
The County appreciates your comments. These comments do not, however, pertain to adequacy of the environmental analysis presented in the 2024 recirculation; each of the comments below relates to an issue outside the scope of recirculation pursuant to CEQA Guidelines Section 15088.5(c). For a full description of the 2024 scope of recirculation, please see the Recirculation Readers Guide, dated August 22, 2024. While this first comment does not address an issue in the recirculation, responses are provided below.

Please note that the Project is not in a canyon. Refer to Global Response: Res Judicata and New Information discussion under "On-site Topography" regarding this issue. Specific to concerns regarding site location adjacent to existing preserved open space and draft PAMA identification, please refer to 2018 Response to Comment I27-3 regarding how following on-site agency visit, recommendations in the joint U.S. Fish and Wildlife Service and California Department of Fish and Wildlife letter focus on off-site mitigation areas rather than proposing retention of existing site conditions, as well as generally, Global Response: Res Judicata and New Information. As discussed in Subchapter 2.3, Biological Resources, of the 2018 FEIR, site areas mapped as PAMA do not contain resources that would substantially contribute to the conservation targets for the local area. The Project would not substantially interfere with wildlife movement, but rather would add 34.8 acres of biological open space between existing off-site habitat areas, which would enhance conservation efforts and habitat connectivity.

Specifically related to coastal sage scrub habitat, mitigation measures M-BI-1b, M-BI-5b, and M-BI-5c require mitigation at a 2:1 ratio, which would reduce the impacts to coastal sage scrub to less than significant; refer also to 2018 Response to Comment F1-3 for additional information related to these mitigation measures.

Response to Comment ReI3-2
The comments primarily express opinions about growth patterns and economic effects. Refer to Response to Comment ReI3-1 regarding scope of the recirculation. Please see the 2018 Global Responses: Project Consistency with

COMMENTS	RESPONSES
	General Plan Policy LU-1.4 and Regional Plan Conformity (which expressly addressed both sprawl and its relation to VMT) for reasons the County disagrees that the Project would be considered sprawl. In addition, and relative to both the issues of sprawl and VMT, information in the 2018 FEIR was accepted by the Court of Appeal; refer to Global Response: Res Judicata and New Information, as well as Response to Comment ReO1-5, which quotes the legal determination: *[W]e must conclude the Project is consistent: the EIR evaluated the associated land uses; reflects County's effort to move future development closer to cities, shopping and employment centers; shows the Project is consistent with vehicle mileage projections; and encourages local walking in keeping with the plan (Appellate Decision, page 66).* Refer to Response to Comment ReO1-8 regarding enumeration of business, medical, and commercial resources within walking/biking distance. Nonetheless, the Project prepared an Infill Analysis to determine if the Project also met the County's "infill" requirements, as outlined in Section 3.3.1 of the 2022 TSG. The comment regarding need for multiple vehicles is noted, but speculative as number and age of Project residents, as well as their car buying habits, are beyond ability to know at this point, much less whether car ownership would be an "economic burden." Regardless, cost of vehicles is not an issue resulting in physical environmental impacts. No response is required. **Response to Comment RelI3-3** A number of items related to planning principles are generally identified in this comment, but the lack of specificity makes it difficult to provide specific responses. It is noted, however, that the comment reflects inaccurate characterizations of the Project as it relates to planning. While the Project site occurs in a VHFHSZ, the Project provides a system of design features, additional road capacity, and contingency plans to address this

COMMENTS	RESPONSES
	setting in compliance with regulations related to development in a VHFHSZ. Please refer to Global Responses: 2024 Fire / Evacuation and Res Judicata and New Information for discussion of this and related points, as well as Response to Comment ReI1-1 for Appellate Court conclusions regarding Project fire and evacuation safety analyses. The Project has identified an on-site transit stop area for when a local transit line is extended to service the area and will contain a network of pedestrian infrastructure for both internal circulation as well as a connection to the Harmony Grove Village (HGV) Village Core; refer also to 2018 Responses to Comments RL1-1 and RL1-4. The Project would result in no net increase in GHG emissions; therefore, impacts related to GHG would be considered less than significant. Please also refer to Response to Comment ReI3-2, immediately above on this issue. The Project would incorporate affordable housing according to state regulations, as described further in the Recirculation Readers Guide, dated August 22, 2024. Lastly, the Project is primarily sited in the least sensitive portions of the site, and any "interference" with habitat is identified as fully mitigated as appropriate; refer also to Response to Comment ReI3-1. **Response to Comment ReI3-4** Opposition to the Project is noted, is part of the administrative record, and will be before decision makers during consideration of the Project. A suggestion regarding conservationist purchase of the site is noted. This does not relate to adequacy of evaluation in the Project environmental analyses and no response is required. Refer to Response to Comment ReI3-1 related to wildlife corridors.

COMMENTS	RESPONSES

Comment Letter Rel4a

From: Chondra Brown <1chondra@gmail.com>
Sent: Wednesday, October 2, 2024 1:27 PM
To: Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; efhgtc@gmail.com; Lorenzana, Bianca; Montagne, Sarah; DMcQuead, Dave
Subject: [External] Please don't let us burn when the next wildfire comes around

Dear Supervisors:

A lot has changed since the last time this project came to the Board. A new Board of Supervisors is in charge now who actually listens to communities, cares about wildfire safety , the environment and listens to the experts, rather than developers and their conflicted consultants. Rel4a-1

* Wildfires have gotten bigger, more frequent and more destructive. Just this year, we've already broken the million acre mark wildfire mark. Rel4a-2
• CalFire has declared our community even more of a fire risk than it was 6 years ago. The entire valley, including the new subdivision, has been graded Very High Fire Severity.
• The community has created a community wildfire evacuation plan that any new development is required to include in their analysis. Rel4a-3
• The attorney general has issued new guidelines that would essentially make the HGV South project impossible to build. Rel4a-4
• The County has issued new fire protection plan guidelines that would render this project dead in the water. Rel4a-5
• And, in fact, in 2020, the County voted to reject another project, Lilac Hills Ranch, in Valley Center due to inadequate evacuation infrastructure. HGV South is much worse than Lilac Hills when it comes to evacuation. LH had multiple ways out. HGVS has only one. Rel4a-6
• A new Climate Action Plan was recently approved that specifically focused on wildfire safety and VMT efficiency. A project like HGVS should not exist under the new CAP. Rel4a-7

I understand that the RSF Fire District has experienced a shortfall due to the previously approved HGV project not properly funding the fire station it was required to build. Why should I have to risk my family and life just because the County made bad financial decisions with the previous development? Rel4a-8
Approving a dangerous project just because of funding is immoral and fiscally imprudent. Will we have to approve another project to help pay for shortfalls from HGVS? That's not planning, that's a Ponzi Scheme. Rel4a-9

Please vote no on this project. It will put all of us at risk.

I appreciate you !

Chondra Brown

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Response to Comment Rel4a-1
The County appreciates your comments. This first comment, however, does not pertain to adequacy of the Project environmental analyses and does not require response. It is noted, however, that the County (has in the past and) continues to rely on technical experts, and also requires technical consultants submitting environmental analysis reports on the part of private applicants to have been approved as qualified and objective evaluators. Please refer to Response to Comment ReI1-1 for Appellate Court conclusions regarding Project fire and evacuation safety analyses.

Response to Comment Rel4a-2
The amount of area burned by wildfire varies widely and it is not uncommon for there to be large swings from year to year. The redesignation of areas surrounding the Project site relative to wildfire **hazard**, which is distinct from **risk**, is based on revisions to mapping methodology employed by CAL FIRE and does not represent a change in conditions requiring revisions to the Project environmental analyses. Please refer to Response to Comment ReO4b-14 for additional discussion of the number of acres burned in 2024 and to the "Fire Hazard Rating at HGV" portion of Global Response: Res Judicata and New Information for additional discussion of the mapping methodology and applicability.

Response to Comment Rel4a-3
The comment references a "community wildfire evacuation plan" as having been created. Please refer to the "Community Protection and Evacuation Plan and Community Wildfire Protection Plan Documents" portion of the Global Response: 2024 Fire / Evacuation for further discussion of both the CPEP and CWPP.

Response to Comment Rel4a-4
The Project does not conflict with the 2022 Attorney General (AG) document *Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act*). Please refer to Global Response: 2024 Fire / Evacuation for discussion of the AG Guidelines.

COMMENTS	RESPONSES
7606129458 This transmission contains confidential and/or privileged information from medical team intended only for the use of the individual(s) to which it is addressed. If you are not the intended recipient, you are hereby notified that any disclosure, copying or distribution of this information or the taking of any action in reliance on the contents of this transmission is strictly prohibited. If you have received this transmission in error, please notify us immediately. 2	The guidelines would not make the Project "impossible to build." **Response to Comment Rel4a-5** The FPP created for HGV South and included in the 2018 FEIR would satisfy the latest FPP Guidelines with a few formatting changes, which would not substantively alter the conclusions of the FPP or associated approvals byRSFFPD and the County. Please refer to Global Response: 2024 Fire / Evacuation for discussion of specific FPP Guidelines and Project consistency. **Response to Comment Rel4a-6** Comments related to Lilac Hills Ranch are noted but do not pertain to the Project environmental analyses or the specific location in which the Project is proposed. As such, no response is required. The comment also suggests that the Project has only one egress. This statement is inaccurate and ignores the fact that the Project provides a system of design features, additional road capacity, and contingency plans should evacuation be considered less safe than remaining on site. The Project includes three egress points to Country Club Drive (CCD) and then options to evacuate west, north, or east at the CCD/Harmony Grove Road intersection. **Response to Comment Rel4a-7** The Project is not moving forward under the CAP. As a Project that would result in zero net increase in GHG emissions over existing on-site conditions, it does not need to evaluate ways it can best eliminate such emissions. The Project would be consistent with overall CAP goals, however, related to wildfire. Please refer to Response to Comment ReO6a-4, as well as to discussion in Global Response: Reconsideration of General Plan Consistency Determination for information about the noted alternative. Relative to VMT concerns, please also refer to Responses to Comments ReI3-2 and ReI3-3. Regarding both fire and VMT issues, their detailed analyses, and less than significant effects, please also refer to Global Response: Res Judicata and New Information. **Response to Comment Rel4a-8** The comment discusses a funding shortfall for the new RSFFPD fire station near the Project site and links it to existing HGV. While funding gaps were

COMMENTS	RESPONSES
	mentioned by LAFCO and included in early drafts of the HGV South FPP, the actual status of funding details, shortfall amounts, or needed revenue has not been publicly available information. It is not expected that this Project would pay for obligations incurred by others. The Project would provide funding on a fair-share basis which would offset emergency calls generated by the Project. **Response to Comment RelI4a-9** The comment does not raise specific issues regarding substantive Project environmental analyses. Opposition to the Project is noted, is part of the administrative record, and will be before decision makers during consideration of the Project. Refer to Response to Comment ReI4a-8 relative to funding concerns for fire station construction.

COMMENTS	RESPONSES
Comment Letter Rel4b **From:** Chondra Brown <1chondra@gmail.com> **Sent:** Wednesday, October 2, 2024 1:27 PM **To:** Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; efhgtc@gmail.com; Lorenzana, Bianca; Montagne, Sarah; DMcQuead, Dave **Subject:** [External] Please don't put our community in danger. Vote No on Harmony Grove Village South Esteemed Supervisors: Wildfires are becoming more and more prevalent. Our community has suffered through dozens of large scale wildfires. We're probably the most wildfire prone community in the County. On average, we've had a major wildfire every four years since the 80s. We've lost hundreds of homes over the years and even lost a neighbor. Rel4b-1 The roads in Elfin Forest, Harmony Grove and Eden Valley are treacherous. They are windy, two lane roads, lined with vegetation and thousands of acres of chaparral and scrub brush all around. Yes, it is beautiful, but it is dangerous. Rel4b-2 It is unconscionable that the County and the Fire District have chosen to support a large subdivision that waives fire safety standards requiring secondary egress. Our community has supported big projects in the past, on assurances from County staff that "that one would be it." This project will break the proverbial camel's back and I loathe to think that we may become the next Camp fire due to the inability to evacuate the many thousands of cars. Rel4b-3 Rel4b-4 Please vote no on this terrible project or at the very least REQUIRE a secondary egress so I can escape the next fire with my family. Rel4b-5 Sincerely, **I appreciate you !** **Chondra Brown** 7606129458 This transmission contains confidential and/or privileged information from medical team intended only for the use of the individual(s) to which it is addressed. If you are not the intended recipient, you are hereby notified that any disclosure, copying or distribution of this information or the taking of any action in reliance on the contents of this transmission is strictly prohibited. If you have received this transmission in error, please notify us immediately. 1	**Response to Comment Rel4b-1** The County appreciates your comments. Excluding some minor editorial changes, this letter is identical with Comment Letter ReI2. Please refer to Response to Comment ReI2-1 regarding applicability of comments provided. **Response to Comment Rel4b-2** Please refer to Response to Comment ReI2-2 regarding area roads. **Response to Comment Rel4b-3** Please refer to Response to Comment ReI2-3 regarding secondary access and regulation consistent modification. **Response to Comment Rel4b-4** Please refer to Response to Comment ReI2-4 regarding Project approvals and lack of similarity to conditions of the Camp Fire. **Response to Comment Rel4b-5** Please refer to Response to Comment ReI2-5 regarding secondary access and opposition to the Project.

COMMENTS	RESPONSES
Comment Letter Rel4c **From:** Chondra Brown <chondahungeford@gmail.com> **Sent:** Wednesday, October 2, 2024 1:28 PM **To:** Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; efhgtc@gmail.com; Lorenzana, Bianca; Montagne, Sarah; DMcQuead, Dave **Subject:** [External] No nos ponga en peligro aprobando un proyecto peligroso como HGV South Queridos supervisores: Hemos vivido en el área por muchos años y ha sido una bendición poder disfrutar del medio ambiente, una vida campestre y buenos vecinos. Nos ayudamos uno al otro y en los tiempos de incendio, es cuando la comunidad es mas unida. Rel4c-1 Este proyecto, por lo que entiendo, propone 450 casas en un área muy combustible de la comunidad. Y se propone sin cumplir con los requisitos que rigen las leyes estatales de incluir dos vias de escape. Con miles carros mas sobre nuestras pequeñas rutas rurales, nuestra evacuación se va complicar bastante. No queremos estar atrapados al intentar huir el próximo incendio. Rel4c-2 Les urjo por favor, de no aprobar este proyecto al menos que propongan una ruta de escape secundario, tal como rigen las leyes locales y estatales de incendios. Rel4c-3 Atentamente, **Chondra Brown** 7606129458 1	*Reader: Please note that these comments were submitted and responded to in Spanish. English translations of the comment letter and responses follow text in Spanish.* **Response to Comment Rel4c-1** El Condado aprecia sus comentarios. Este comentario expresa una opinión sobre la comunidad local. Los comentarios no se refieren a la idoneidad de los análisis ambientales del Proyecto y no requieren respuesta. **Response to Comment Rel4c-2** Específicamente, el Proyecto incluiría 453 unidades residenciales. Sin embargo, el comentario es incorrecto al afirmar que el Proyecto no cumple con las leyes de evacuación y el Condado no está de acuerdo en que el Proyecto resultaría en que las personas estuvieran "atrapadas" durante una evacuación. Tenga en cuenta que estas mismas preocupaciones se plantearon en la audiencia original sobre el Proyecto en 2018 y fueron abordadas por los tribunales en los desafíos a este Proyecto. Consulte la Respuesta al Comentario ReI1-1 para las decisiones del Tribunal de Apelaciones. También consulte las Respuestas Globales de 2018: Análisis de Impacto de Peligros de Incendios y Adecuación de Evacuación y Acceso de Emergencia en relación con la planificación del Proyecto en relación con incendios y salidas/evacuación de emergencia, así como las Respuestas Globales: 2024 Incendio/Evacuación y Cosa Juzgada y Nueva Información. **Response to Comment Rel4c-3** Se señala que hay oposición al Proyecto, lo cual forma parte del expediente administrativo y estará ante los responsables de la toma de decisiones durante la consideración del Proyecto. También se destaca que el EIR y FPP de 2018 contienen discusiones detalladas sobre el análisis de viabilidad realizado en relación con una ruta de acceso secundaria. En cambio, el Proyecto proporciona un sistema de características de diseño, capacidad adicional de carretera y planes de contingencia que Logran la intención de los requisitos del código para la longitud de las carreteras sin salida a través de un sistema de protección contra incendios y evacuación en capas y redundante que es consistente con las

COMMENTS	RESPONSES
	leyes de incendios locales y estatales. Para un resumen reiterativo de estos análisis, consulte las Respuestas Globales: 2024 Incendio / Evacuación y Res Judicata y Nueva Información, así como la Respuesta al Comentario ReI1-1 sobre las conclusiones del Tribunal de Apelaciones respecto a los análisis de seguridad contra incendios y evacuación del Proyecto.

COMMENTS	RESPONSES
Comment Letter Rel4c **Subject:** Don't put us in danger by approving a dangerous project like HGV South Dear Supervisors, We have lived in the area for many years and it has been a blessing to be able to enjoy the environment, country living and good neighbors. We help each other and in times of fire, that's when the community is most united. Rel4c-1 This project, as far as I understand, proposes 450 houses in a very combustible area of the community. And it is proposed without complying with the requirements governing state laws to include two escape routes. With thousands more cars on our small rural routes, our evacuation is going to be quite complicated. We don't want to be trapped trying to flee the next fire. Rel4c-2 I urge you to please do not approve this bill unless you propose a secondary escape route, as governed by local and state fire laws. Rel4c-3 Kind regards **Chondra Brown** 7606129458	**Response to Comment Rel4c-1** The County appreciates your comments. This comment states opinion on the local community. Comments do not pertain to adequacy of the Project environmental analyses and do not require response. **Response to Comment Rel4c-2** Specifically, the Project would contain 453 residential units. However, the comment is incorrect that the Project does not comply with evacuation laws and the County disagrees that the Project would result in people being "trapped" during an evacuation. Please note these same concerns were raised in the original hearing on the Project in 2018, and addressed by the courts in challenges to this Project. Please refer to Response to Comment ReI1-1 for Appellate Court holdings. Please also refer to 2018 Global Responses: Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access regarding Project planning relative to fire and emergency exits/evacuation, as well as Global Responses: 2024 Fire / Evacuation and Res Judicata and New Information. **Response to Comment Rel4c-3** Opposition to the Project is noted, is part of the administrative record, and will be before decision makers during consideration of the Project. It is also noted that the 2018 EIR and FPP contain detailed discussions of the feasibility analysis undertaken relative to a secondary access route. The Project instead provides a system of design features, additional road capacity, and contingency plans that achieve the intent of the code requirements for dead-end road length through a layered and redundant fire protection and evacuation system that is consistent with local and state fire laws. For summary reiteration of these analyses, please refer to Global Responses: 2024 Fire / Evacuation and Res Judicata and New Information as well as Response to Comment ReI1-1 for Appellate Court conclusions regarding Project fire and evacuation safety analyses.

COMMENTS	RESPONSES

Comment Letter ReI5

From: Travis Cooper <atcoopta@gmail.com>
Sent: Monday, October 7, 2024 10:28 AM
To: Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; efhgtc@gmail.com; Lorenzana, Bianca; Montagne, Sarah; DMcQuead, Dave
Subject: [External] Don't Gamble with Our Safety: Please reject Harmony Grove Village South

Dear Supervisors and Fire District,

This project doesn't make sense for our community, especially now with everything we've learned over the past few years. Wildfires have become far more intense and frequent, and this year we've already crossed the million-acre mark. CalFire has even reclassified our entire area, including the proposed development, as a Very High Fire Severity Zone. It's clear that our valley is in more danger than ever, and yet this project doesn't account for those growing risks. ReI5-1

Our community has put together a wildfire evacuation plan, and it's clear that any new development would need to incorporate it into their planning. But HGV South seems to completely ignore that. The County's new fire protection guidelines alone should stop this project in its tracks, not to mention the updated guidance from the attorney general that makes a development like this nearly impossible to approve. The fact that the County already rejected Lilac Hills Ranch in Valley Center because of inadequate evacuation routes should be telling. That project had multiple ways out—this one only has one. We can't afford to make the same mistake twice. ReI5-2 ReI5-3 ReI5-4

The recent approval of the Climate Action Plan also makes this project feel even more out of place. It's designed to improve wildfire safety and reduce traffic and vehicle miles traveled, yet HGV South doesn't fit into that vision at all. ReI5-5

To top it all off, I'm hearing that the RSF Fire District is facing budget shortfalls because the last HGV project didn't properly fund the fire station they were required to build. It's hard to understand why we would even consider another risky project when the last one didn't deliver on its promises. Our safety shouldn't be compromised to fix someone else's financial mistakes. ReI5-6

Please do the right thing and vote against this project. The risks are too high for all of us. ReI5-7

Sincerely,
Travis Cooper
3151 Mount Whitney Rd

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Response to Comment ReI5-1
The County appreciates your comments. Please refer to Global Response: 2024 Fire / Evacuation for specific discussion of both: (1) relevancy of more frequent and intense fires to the Project; and (2) fire severity zone classification of the Project site, which has not changed since prior site evaluation. Please refer to Response to Comment ReI1-1 regarding reference to compiled fire events over the past 10 years as well as Appellate Court conclusions regarding Project fire and evacuation safety analyses.

Response to Comment ReI5-2
Please refer to Global Response: 2024 Fire / Evacuation for discussion of new plan applicability to the Project. No change from prior evaluation is required, as explained in the global.

Response to Comment ReI5-3
Please refer to Global Response: 2024 Fire / Evacuation for discussion of Project consistency with California Attorney General guidance. No change from prior evaluation is required, as explained in the global.

Response to Comment ReI5-4
Please refer to Response to Comment ReI4a-6 regarding reference to Lilac Hills Ranch, and inaccuracy of comment that the Project would have only one egress.

Response to Comment ReI5-5
Please refer to Response to Comment ReI4a-7 regarding the fact that the Project would result in zero net increase in GHG emissions over existing on-site conditions, and therefore does not need to evaluate ways it can best eliminate such emissions. Please also refer to Global Response: Res Judicata and New Information.

Response to Comment ReI5-6
Please refer to Response to Comment ReI4a-8 regarding the stated HGV-related funding shortfall for the new RSFFPD fire station near the Project site.

COMMENTS	RESPONSES
	Response to Comment Rel5-7 Opposition to the Project is noted, is part of the administrative record, and will be before decision makers during consideration of the Project.

COMMENTS	RESPONSES
Comment Letter ReI6 **From:** mickeykc@juno.com **Sent:** Monday, October 7, 2024 11:42 AM **To:** Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; efhgtc@gmail.com; Lorenzana, Bianca **Subject:** [External] Harmony Grove Village south To all the supervisors, This development is a disaster waiting to happen. The lack of access roads to evacuate will cause, in my opinion, many injuries and deaths. Our community is rural. When the first development for Harmony Grove Village was put in, we were told that that would be the only large development put in the community. Apparently that was a lie. I have lived through multiple fires in Elfin Forest....starting with the 1996 Harmony Grove fire and have evacuated many times for other fires as well. Each time it has been scary. The 1996 fire came up to the house across the street from my house. Each time we evacuate, even in Elfin Forest, we seem to have issues with traffic. This will make the roads even worse. Please do not do this to our community. Do not allow this large development to be built here. ReI6-1 ReI6-2 ReI6-3 ReI6-4 Mary Cross 7150 Circa de Media Elfin Forest, CA 92029 1	**Response to Comment ReI6-1** The County appreciates your comments, but disagrees that the "development is a disaster waiting to happen." Please refer to Responses to Comments ReI1-1 and -2 regarding access/egress during evacuation, and Appellate Court conclusions regarding Project fire and evacuation safety analyses. **Response to Comment ReI6-2** Comments noted. It is not possible for commitments to be made that conditions will never change within a planning area. Please refer to Response to Comment ReI2-4 for discussion. **Response to Comment ReI6-3** The comment describes commenter's experience with Elfin Forest fire history and evacuation, noting concerns regarding traffic and that the Project would make the roads worse. Please refer to Responses to Comments ReI1-1 for Appellate Court decision regarding adequacy of 2018 FEIR discussion on this issue as well as ReI1-3 regarding congestion during evacuation and consensus by emergency management professionals regarding ability to evacuate. **Response to Comment ReI6-4** Opposition to the Project is noted, is part of the administrative record, and will be before decision makers during consideration of the Project.

COMMENTS	RESPONSES

Comment Letter ReI7

Jonathan D Dummer
2966 Cordrey Dr
Escondido, Ca 92029

October 6, 2024

San Diego County Planning & Development Services
5510 Overland Avenue, Suite 110
San Diego, CA 92123

Subject: Comments on Environmental Impact Report (EIR) for Harmony Grove Village South (HGVS) Development

Dear Planning and Development Services,

I am writing to express my serious concerns regarding the proposed Harmony Grove Village South (HGVS) development and, specifically, its reliance on a shelter-in-place strategy for fire safety. This plan is fundamentally flawed, as I will outline in this letter, particularly given the recent changes on the ground and the updated fire risks in the area. ReI7-1

1. History of Wildfires in Harmony Grove
Our community has experienced multiple destructive wildfires, such as the **Harmony Grove Fire in the 1990s**, which destroyed dozens of homes and claimed a life, and the **Cocos Fire in 2014**, which destroyed 25 structures within the Harmony Grove Spiritualist Association. During the Cocos Fire, evacuation traffic came to a standstill, and this occurred before the development of Harmony Grove Village. Adding hundreds more homes without adequate infrastructure will only worsen evacuation challenges in the event of the next fire—something that is a matter of "when," not "if." ReI7-2 ReI7-3

2. Inadequacy of Shelter-in-Place Strategy
The shelter-in-place approach proposed by the developer relies on fire-resistant building materials and designs. However, it is important to note that studies from recent fires, like the **2017 Tubbs Fire**, have shown that even homes built to modern fire-resistant standards are still vulnerable. In Santa Rosa's Fountain grove neighborhood, nearly 1,800 structures were lost despite these precautions. Embers entered homes through small openings such as soffit vents, leading to internal combustion. Given that none of the existing homes behind the HGVS development—including those in the Harmony Grove Spiritualist Association—meet modern fire-resistant standards, sheltering in place is simply not a viable option for the current residents. ReI7-4 ReI7-5

Response to Comment ReI7-1
The County appreciates your comments. This first comment introduces the topic of shelter in place, which is discussed below. It is noted, however, that the Project does not rely on sheltering in place, rather shelter in place is to be used as a last resort. In any event, it will be subject to direction by emergency technical professionals, and utilized only where it provides the safest option. (Specific comments below are provided with specific responses.)

Response to Comment ReI7-2
Please refer to Response to Comment ReI1-3 regarding evacuation traffic being at a standstill during the Cocos Fire, and Global Response: 2024 Fire / Evacuation regarding tragic loss of a neighbor in 1996. Please also refer to Response to Comment ReI1-1 for Appellate Court conclusions regarding Project fire and evacuation safety analyses.

Response to Comment ReI7-3
Please refer to Response to Comment ReI1-2 regarding "worsen[ing] of evacuation challenges."

Response to Comment ReI7-4
Please refer to Global Response: 2024 Fire / Evacuation which reiterates that the Project does not rely on shelter in place as a primary safety element, but does offer a contingency option should it be determined to be safer than a late evacuation. Further, unlike the homes lost in the cited Tubbs Fire, as detailed in the HGV South FPP and the 2018 FEIR, the vulnerable opening on structures would be fitted with ember resistant vents to exclude embers from successfully entering a structure. Newer homes that were lost were not part of master planned communities like HGV South and there is no evidence that a home within a master planned community has been lost to wildfire since 2007, when stringent fire and building codes were adopted.

Response to Comment ReI7-5
Per the Project's approved FPP and the 2018 FEIR, there is no reference to existing homes being used for shelter in place, not even as a last resort. The comment is correct that they are not constructed or maintained to the levels

COMMENTS	RESPONSES
Comment Letter Rel7 **3. Livestock and Family Evacuation Challenges** Rel7-6 The families in this area often have horses and other livestock, adding complexity to any evacuation. The shelter-in-place strategy does not account for the safety and logistics of protecting these animals. With only one road for potential evacuation and no nearby shelters for livestock, the risks to both people and animals are extreme in the event of a fast-moving wildfire. **4. Recent Changes in Fire Risk and Infrastructure** Rel7-7 Since the original fire safety plan was created, conditions in the area have changed significantly. **CalFire** has updated its fire severity maps, classifying the entire area surrounding the HGVS site as a **Very High Fire Severity Zone**. Moreover, the previously identified emergency egress route is now largely impassable, further limiting safe evacuation options for residents. Given these changes, it is critical that the County revisits the fire safety provisions in the Environmental Impact Report (EIR) to ensure that it reflects current risks. Rel7-8 **5. Second Look at Fire Safety Provisions** Rel7-9 While the original fire plan may have met the necessary requirements at the time, the current conditions on the ground necessitate a second look at the fire safety issues. These include the inadequacy of the shelter-in-place strategy, the increased fire severity in the area, and the deteriorating state of potential evacuation routes. The County should reevaluate the EIR to ensure that the safety of both current and future residents is prioritized considering these updated conditions. In conclusion, I strongly urge the County to take a second, more comprehensive look at the fire safety issues related to the HGVS development. Particularly with respect to evacuation, shelter-in-place strategies, and the vulnerability of the existing homes. The County should not move forward without ensuring that the safety of current and future residents is adequately protected. Rel7-10 Thank you for considering these critical concerns. Sincerely, Jonathan Dummer	needed for emergency managers to generally be able to consider shelter in place. The FPP and 2018 FEIR did not intend for older homes in the Project vicinity to be capable of shelter in place as a contingency. HGV South could offer a potential short-term refuge to these existing residents, however, in a short notice evacuation event. This has been reiterated in Global Response: 2024 Fire / Evacuation. **Response to Comment Rel7-6** Comments noted. HGV South would not allow livestock ownership, so the Project would not add to large animal evacuation needs. Although volunteer and aid agencies often help with large animal evacuations, livestock owners have personal responsibility for movement of such animals. Regarding individuals south of the Project, road conditions would be expected to improve relative to moving large animal trailers in this area. Country Club Drive south of Harmony Grove Road would have wider, as well as an additional, lane(s). The narrow (and vegetation impinged) Arizona crossing of Escondido Creek would be improved with a bridge and widened to three vehicular lanes as well as an equestrian path, so that owners could choose to ride their horses out. Wildfire potential requires animal owners in rural areas to plan for these events and create contingencies when evacuation may not be possible. This is beyond the purview of the Project as it relates to existing properties. Please also refer to the Evacuation Challenges and Potential Hazards Posed when Evacuating Large Animals portion of the 2018 Global Response: Adequacy of Emergency Evacuation. It is also recommended that the Fire Safe Council consider a system/application like HorseAlert that facilitates volunteers to assist in the event of an evacuation. Regardless, as shown on the Project Evacuation Plan on the HGV South portion of the County website, there are areas identified as temporary refuge areas in HGV, and such areas also could be used in HGV South for trailers during pause in evacuation activities. (It is further noted for information that the HGV South FPP evacuation analysis used a capacity rate of 500 vehicles per hour to determine evacuation times in an effort to be extremely conservative. This is well under the capacity of 1,900 vehicles per hour per lane. The 500 vehicles per hour rate equates to a 2-mile-per-hour

COMMENTS	RESPONSES
	[mph] vehicle speed [slower than average human walking pace]. This slow anticipated evacuation speed incorporates consideration of traffic congestion and livestock trailers towed by large vehicles.) **Response to Comment RelI7-7** Please refer to "Fire Hazard Rating at HGV" in Global Response: Res Judicata and New Information for the requested discussion. **Response to Comment RelI7-8** Please refer to "Commenter-suggested Changed Conditions" in Global Response: 2024 Fire / Evacuation for the requested discussion. **Response to Comment RelI7-9** The comment reiterates that the shelter in place strategy is considered inadequate, that there is increased fire severity in the area, and that a dirt road identified as available if emergency fire personnel directed residents to use it is now impassable. Please see Responses to Comments ReI7-4, -5, -7 and -8 for analysis that shows such comments are incorrect. **Response to Comment RelI7-10** Comments noted. These issues have all been adequately addressed in the 2018 FEIR as supported by the Court of Appeal findings. For purposes of clarity, additional confirming information is provided in Global Response: 2024 Fire / Evacuation and individual responses as appropriate. Please also refer to Global Response: Res Judicata and New Information. The Project would add certainty to the issue of exiting CCD south of HGR for existing residents, and also would provide opportunity for temporary sheltering if evacuation efforts are halted by emergency response professionals. These improvements would benefit both current and future residents.

COMMENTS	RESPONSES

Comment Letter ReI8

From: Jean-Francois Erforth <jeancerforth@gmail.com>
Sent: Monday, October 7, 2024 8:35 AM
To: Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; efhgtc@gmail.com; Lorenzana, Bianca; Montagne, Sarah; DMcQuead, Dave
Subject: [External] Harmony Grove Village South - Resident Comment

Dear Honorable Supervisors:

I'm a resident of Elfin Forest/Harmony Grove.

I would like to share my concerns about the Harmony Grove Village South (HGVS) project. This is not a NIMBY concern as our community agreed already once to a 800 plus housing project (Harmony Grove Village) in our neighborhood with the promise by the then Supervisors of no more developments in our rural community. — RoI8-1

In addition to the property being unsafe for a housing development, it is located in an unusually high-biodiversity area. Much of the surrounding land is already protected wildlife habitat, and Escondido Creek runs near the property. Building on this property would cut off an important wildlife corridor, threaten the health of the Escondido Creek watershed, and undermine conservation gains where the community has already made significant investments for many years. The wildfire risk of this proposed development is simply too high. There are insufficient evacuation routes and it is impossible to add more, due to the steep, rugged terrain. — RoI8-2

The memories from the Cocos Fire are still fresh, it burned right next to this property in 2014, burning 30 homes. — RoI8-3

There is only one evacuation route from this property. To meet a minimum level of safety, there would have to be a second way out. But because of steep slopes in the area, there is no feasible way to build a road to create a second evacuation route.

Instead of building here, we should be operating under the guidelines of the Fire Safe Infill Alternative, building homes close to villages and in urban centers. — RoI8-4

By approving this development despite the obvious safety risks, the County is putting residents at risk, and is prioritizing profits over people. — RoI8-5

Respectfully,

Jean-Francois Erforth

7753 Camino Sereno

Escondido CA 92029

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Response to Comment RoI8-1

The County appreciates your comments. Regarding the first statement that prior supervisors promised "no more developments," please refer to Response to Comment Re12-4 for discussion.

Response to Comment RoI8-2

The introductory statement that "the property is unsafe for a housing development" is assumed to relate to subsequent specifics stated later in the paragraph. Please refer to Responses to Comments RoI8-3 through 5, below. Comments regarding biodiversity and existing protected lands are noted. The Project would add to permanent set aside of native habitat through preservation of acreage abutting the existing Del Dios Highlands Preserve, thereby enlarging protected open space available to species using those habitats. The comment is incorrect that the Project would cut off an important wildlife corridor, threaten the health of the Escondido Creek watershed, and undermine conservation gains. Wildlife corridors, and the lack of significant impacts to them, received substantial review in Subchapter 2.3, *Biological Resources*, of the 2018 FEIR, as did discussion of the Escondido Creek watershed relative to biological resources. In fact, improvements to Escondido Creek relative to flow and elimination of invasive non-native species would occur as part of Project actions. Please also refer to Global Response: Res Judicata and New Information.

Response to Comment RoI8-3

Secondary access is one design response to fire, but not the only code-appropriate response. The Project has developed a suite of design features that reduce wildfire risk. Regarding these features, please refer to Global Response: 2024 Fire / Evacuation in general, as well as specific discussion under "Updates to the Fire Code" regarding code consistency and lack of change to conclusions for that issue. Please also refer to Response to Comment RoI1-1 for Appellate Court conclusions regarding Project evacuation safety analyses.

COMMENTS	RESPONSES
	Response to Comment ReI8-4 The Project is not located in a distant area of wildlands. It does propose building homes close to a village (HGV), and also is near the City of Escondido. Please refer to 2018 Global Responses: Project Consistency with General Plan Policy LU-1.4 and General Plan/Community Plan Amendments CEQA Impact Analysis, as well as Global Response: Res Judicata and New Information. **Response to Comment ReI8-5** The County disagrees that it has ignored "obvious safety risks." Although no specifics were included for the noted statement, based on Comments ReI8-3 and -4 of this letter, it is assumed that the primary issue is fire/emergency response related. Technical review of safety-related issues has been serious, voluminous, and approved by technical specialists responsible for ensuring resident safety. Refer to the FPP, Project Evacuation Plan, 2018 FEIR, global responses on the topic in both the 2018 and current documents, as well as individual responses to comments, including those in this letter, above. Such topics include, but are not limited to, the following specifics. Restrictions as to materials handling, requirements for building use/occupancy/vegetation management per regulations or ordinance in compliance with the California Fire code, RSFFPD ordinance, County of San Diego Consolidated Fire Code (among others) comprise focused and substantial discussions in Section 3.1.3, *Hazards and Hazardous Materials* related to applicable codes, regulations and applicable plans under "Wildfire" pages 3.1.3-12 through -14, and specific analysis under "Wildland Fire Hazards" on pages 3.1.3-19 through -26, addressing fire protections measures meeting or exceeding the stated safety requirements. Fire-related safety elements, however, additionally are discussed throughout the 2018 FEIR. See, for example, references to road specification safety planning and vegetation modifications contributing to Project safety in Chapter 1.0, *Project Description* and Subchapter 2.3, *Biological Resources* as well as references to safety-related General Plan elements in Section 3.1.5, *Land Use and Planning* on pages 1-18; 2.3-41 and -42; 3.1.5-19, -25, -29, and -32; respectively. Safety related code elements with which the Project is consistent are also addressed in Section 3.1.8, *Public Services* on pages 3.1.8-4 and -6. The issues are also directly addressed in Section 8.3.3, *Fire Hazards*

COMMENTS	RESPONSES
	Impact Analysis on pages 8-33 through 8-40, and in Section 8.3.4, *Adequacy of Emergency Evacuation and Access* on pages 8-40 through 8-47. A partial listing of related 2018 responses to comments with information regarding fire department travel time, relevant Project design, code modification, etc. include L2-2; O1-27, O3a-2, -9, -15, -35; -36; O3b-3, O3c-2, -8 and -25; O6-7, -20, -21, -28, and -36; O7-3; I1-5 and -9; I2-3; I5-3; I13-2, -4, -6 and -7; I16-3; I17-1; I24-3 among others. Please also refer to Global Response: 2024 Fire / Evacuation, as well as Response to Comment ReI1-1 for Appellate Court conclusions regarding Project fire and evacuation safety analyses. Additional 2025 organizational comments on the topic include (among others) Responses to Comments (RTCs) Re: TC O1-30; O2-4; O3-2, 2, -19 through -21, -27, -28, -31 and -42; O5b-12 and 13; O6a-2, -3, -5, -56, , -58, -61-, -69, -71, -72, -80, -92 through -95; and O6b-11. Additional individual 2025 RTCs addressing detail for these issues are provided in Re:I1-1 through 7, I2-3 and I3-3. Opposition to the Project is noted, is part of the administrative record, and will be before decision makers during consideration of the Project.

COMMENTS	RESPONSES
Comment Letter ReI9 **From:** David Field <david@bitter-end.com> **Sent:** Sunday, October 6, 2024 10:27 PM **To:** Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; efhgtc@gmail.com; Lorenzana, Bianca; Montagne, Sarah; DMcQuead, Dave **Cc:** Caroline Field **Subject:** [External] We Oppose the Harmony Grove South residential development Honorable Supervisors: We are writing to strongly oppose the proposed Harmony Grove South residential development. The wildfire risk of this proposed development is simply too high, and there are insufficient evacuation routes, not to mention that it is impossible to add more, due to the steep and rugged terrain. ReI9-1 Additionally, the property is in a "Very High Fire Hazard Severity Zone". The Cocos Fire burned right next to this property in 2014, burning 30 homes, one of which was OURS... This is a photo of our home just before it burned to the ground. It is next door to the proposed Harmony Grove South residential development. Please be aware of the magnitude of the decision that you are about to make. Thank you, David and Caroline Field ReI9-2 1	**Response to Comment ReI9-1** The County appreciates your comments. Opposition to the Project is noted, is part of the administrative record, and will be before decision makers during consideration of the Project. Regarding wildfire risk, please refer to Response to Comment ReI8-3. Regarding secondary access, please refer to Response to Comment ReI1-5. Regarding VHFHSZ rating, please refer to Responses to Comments ReI3-3 and ReI4a-2. Please also refer to Response to Comment ReI1-1 for Appellate Court conclusions regarding Project fire and evacuation safety analyses. **Response to Comment ReI9-2** This comment addresses a photograph of commenter's property prior to its loss in the Cocos Fire. This is acknowledged as a terrible and regrettable occurrence. This comment does not speak, however, to adequacy of Project environmental analyses. No response is required.

COMMENTS	RESPONSES

Comment Letter ReI10a

From: VICTOR GONZALEZ <pvsuccess19@aol.com>
Sent: Thursday, October 3, 2024 9:56 AM
To: Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; efhgtc@gmail.com; Lorenzana, Bianca; Montagne, Sarah; DMcQuead, Dave
Subject: [External] Prevent a Future Tragedy: Please deny Harmony Grove Village South

Dear Supervisors:

I'm writing to you with deep concern about the HGVS project and its impact on our community's safety. The roads in Elfin Forest, Harmony Grove, and Eden Valley are already precarious—narrow, winding two-lane roads lined with dense vegetation and chaparral. While this landscape may be scenic, it's a severe fire hazard. Adding the traffic from HGVS would make evacuation during a wildfire practically impossible. ReI10a-1

It's alarming to think that, with this project there will be SIX TIMES TIMES as many vehicles as we had on evacuating during the Cocos Fire. That fire brought our evacuation system to its knees, and that was with far fewer vehicles than we'd have now. People were stuck in standstill traffic on both ends of the valley, with some barely making it out before the fire reached their neighborhoods. With so many more cars on the road, I fear the consequences of the next fire will be far worse.

We've already lost so much to wildfires—hundreds of homes over the years, and tragically, a neighbor, David Hammond, who couldn't escape in time. Since the 1980s, it feels like we've been on a wildfire cycle, with a major event on average every few years. CalFire has classified our area as one of the most fire-prone in the state, and it's hard to comprehend how this project could move forward without adequate fire safety measures in place, such as a secondary evacuation route. ReI10a-2

The County and Fire District's support for this project, despite it waiving critical fire safety standards, feels like a betrayal. ReI10a-3
We've been told before that certain projects would be the last big development, but approving HGVS would push us over the edge. It risks turning our community into the next Camp Fire tragedy, where evacuating isn't even an option because of the overwhelming number of vehicles and insufficient infrastructure. ReI10a-4

Please, I urge you to vote no on this dangerous project, or at the very least require a thorough new fire safety analysis and demand a secondary egress. Our lives depend on it. ReI10a-5

Sincerely,

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Response to Comment ReI10a-1

The County appreciates your comments. Comments regarding area roads are noted, but they do not pertain to adequacy of the Project environmental analyses and do not require a response. The County disagrees that the Project would make evacuation impossible and further disagrees that Harmony Grove Village (HGV) has substantially added to the difficulty of evacuation. In addition to considering new residents, it is important to consider improvements that have occurred since the Cocos Fire. HGV improved segments of Country Club Drive (CCD), provided a new road to the east (HGV Parkway) and built a bridge over Escondido Creek, providing an improved route east and into Escondido. Also, Citracado Parkway has since been completed as projected in the 2018 FEIR (see detailed discussion in Global Response: 2024 Fire / Evacuation) and would further facilitate future evacuation efforts. The roadway was completed in 2024, providing access from CCD all the way to Auto Park Way, delivering drivers directly into urban Escondido. Additionally, for vehicles traveling north, evacuation traffic could be routed to either CCD or La Moree. The latter route was recently approved in 2024 and did not exist in 2014. The structures of HGV also could provide a temporary refuge of last resort in event of fire blocking evacuation. Specific to HGV South, Project design elements and improvements that would address fire safety in the Project area, please see 2018 Global Responses: Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access, as well as Global Response: 2024 Fire / Evacuation. Please also refer to Response to Comment ReI1-1 for Appellate Court conclusions regarding Project fire and evacuation safety analyses.

As it relates to the Cocos Fire specifically, please refer to "Local Technical Professionals Consensus on Congestion During Evacuations" discussion in Global Response: 2024 Fire / Evacuation for information on changed road conditions since 2014, addressal of evacuation traffic being at a "standstill," as well as testimony provided by fire managers at 2018 hearings. Among technical professionals supporting the Project, there is consensus that the Project would improve conditions for the portion of the community hit hardest during the Cocos Fire (the southern end of CCD). This is related to bringing

COMMENTS	RESPONSES
	hydrant sources into the area, potential for temporary refuge as necessary, and improvements related to CCD. **Response to Comment ReI10a-2** The comments related to wildfire hazards are noted but are not in conflict with the 2018 FEIR and supporting documentation. It is incorrect, however, to state that the Project would not provide adequate fire safety measures. The Project provides a system of design features, additional road capacity, and contingency plans should evacuation be considered less safe than remaining on site; that together achieve compliance with applicable fire safety regulations. The Project was also deemed to include three egress points to CCD and then multiple evacuation routes at the short distance to the Harmony Grove Road (HGR) connection. Please see 2018 Global Responses: Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access regarding Project planning relative to evacuation. Also refer to the "Fire Hazard Rating at HGV" in Global Response: Res Judicata and New Information for a discussion of updates to CAL FIRE mapping of surrounding areas, which do not affect analysis in the 2018 FEIR or supporting documentation. Similarly, refer to the "Local Technical Professionals' Consensus on Congestion During Evacuation" discussion in Global Response: 2024 Fire / Evacuation regarding the tragic loss of a neighbor in 1996. Please also refer to Responses to Comments ReI1-5 regarding secondary access, and ReI1-1 for Appellate Court conclusions regarding Project fire and evacuation safety analyses. **Response to Comment ReI10a-3** The County and Fire District have not waived fire safety standards. Please refer to Response to Comment ReI2-3 for discussion. **Response to Comment ReI10a-4** Comments noted. It is not possible for commitments to be made that conditions will never change within a planning area. Please refer to Response to Comment ReI2-4 for discussion. Relative to evacuation concerns, please refer to global responses cited in Response to Comment ReI10a-2 of this letter. Refer to Response to Comment

COMMENTS	RESPONSES
	ReI2-4 regarding the Camp Fire and the vastly dissimilar conditions from the Project area. **Response to Comment ReI10a-5** Opposition to the Project is noted, is part of the administrative record, and will be before decision makers during consideration of the Project. Please refer to Global Response: 2024 Fire / Evacuation, which details why no new fire analysis is required, and Response to Comment ReI10a-2 relative to secondary egress. Please also refer to Global Response: Res Judicata and New Information.

COMMENTS	RESPONSES

Comment Letter ReI10b

From: VICTOR GONZALEZ <pvsuccess19@aol.com>
Sent: Thursday, October 3, 2024 9:57 AM
To: Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; efhgtc@gmail.com; Lorenzana, Bianca; Montagne, Sarah; DMcQuead, Dave
Subject: [External] Don't Gamble with Our Safety: Please reject Harmony Grove Village South

Dear Supervisors,

The HGVS project is currently on track to be built, despite the severe fire and evacuation risk it would pose to our community. We just received the report from an evacuation expert and he determined, conservatively, that including HGVS, there would be 3,436 vehicles attempting to evacuate during a wildfire event. It would take approximately 7 hours to evacuate this many vehicles on our sub-par road network. An average speed wildfire that starts 6 miles away from the site, would arrive within an hour. The math does not work out for us. For those of you who lived through the Cocos Fire (2014) I'm sure you remember how frantic it was to try to evacuate. On the east side of the valley, backups on Country Club. On the west side hour long backups at San Elijo Road. For the next fire, we will have thousands more cars in the community. ReI10b-1 ReI10b-2 ReI10b-3

This project doesn't make sense for our community, especially now with everything we've learned over the past few years. Wildfires have become far more intense and frequent, and this year we've already crossed the million-acre mark. CalFire has even reclassified our entire area, including the proposed development, as a Very High Fire Severity Zone. It's clear that our valley is in more danger than ever, and yet this project doesn't account for those growing risks. ReI10b-4

Our community has put together a wildfire evacuation plan, and it's clear that any new development would need to incorporate it into their planning. But HGV South seems to completely ignore that. The County's new fire protection guidelines alone should stop this project in its tracks, not to mention the updated guidance from the attorney general that makes a development like this nearly impossible to approve. The fact that the County already rejected Lilac Hills Ranch in Valley Center because of inadequate evacuation routes should be telling. That project had multiple ways out—this one only has one. We can't afford to make the same mistake twice. ReI10b-5 ReI10b-6 ReI10b-7

The recent approval of the Climate Action Plan also makes this project feel even more out of place. It's designed to improve wildfire safety and reduce traffic and vehicle miles traveled, yet HGV South doesn't fit into that vision at all. ReI10b-8

To top it all off, I'm hearing that the RSF Fire District is facing budget shortfalls because the last HGV project didn't properly fund the fire station they were required to build. It's hard to understand why we would even consider another risky project when the last one didn't deliver on its promises. Our safety shouldn't be compromised to fix someone else's financial mistakes. ReI10b-9

Please do the right thing and vote against this project. The risks are too high for all of us. ReI10b-10

Sincerely,

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Response to Comment ReI10b-1

The County appreciates your comments. Construction of the HGV South Project would require approval by the Board of Supervisors; the EIR documents provide environmental analysis of potential effects that could occur with approval of the Project. The County disagrees that the Project would create severe fire and evacuation risk. Please refer to Response to Comment ReI1-1 for Appellate Court conclusions regarding Project fire and evacuation safety analyses. More detailed responses to the topics raised in this introductory statement are provided below.

Response to Comment ReI10b-2

Please see Response to Comment ReO6b-8, regarding the scenario cited, as well as Responses to Comments ReO6b-9 and ReI1-2 regarding spread rates.

Response to Comment ReI10b-3

Please refer to Response to Comment ReI1-3 regarding evacuation congestion.

Response to Comment ReI10b-4

The amount of area burned by wildfire varies widely and it is not uncommon for there to be large swings from year to year. The redesignation of areas surrounding the Project site relative to wildfire **hazard**, which is distinct from **risk**, is based on revisions to mapping methodology employed by CAL FIRE and does not represent a change in conditions requiring revisions to the 2018 FEIR. Please refer to Response to Comment ReO4b-14 for additional discussion of the number of acres burned in 2024 and to "Fire Hazard Rating at HGV" in Global Response: Res Judicata and New Information for additional discussion of the CAL FIRE mapping methodology and applicability.

Response to Comment ReI10b-5

The comment references a "wildfire evacuation plan" as having been created by the community. Please refer to the "Community Protection and Evacuation Plan and Community Wildfire Protection Plan Documents" portion of the Global Response: 2024 Fire / Evacuation for further discussion of both the CPEP and CWPP. No interference with the CPEP or CWPP is identified.

COMMENTS	RESPONSES
	Response to Comment ReI10b-6 The County disagrees that elements of the cited documents would "stop this Project in its tracks." Please refer to Global Responses: 2024 Fire / Evacuation, and Res Judicata and New Information, which discuss Project consistency with Attorney General Guidance, updated Fire Code modification requirements, and the County's updated FPP guidance. **Response to Comment ReI10b-7** Please refer to Response to Comment ReI4a-6 regarding reference to Lilac Hills Ranch, and inaccuracy of comment that the Project would have only one egress. Again, please also refer to Response to Comment ReI1-1 for Appellate Court conclusions regarding Project evacuation safety analyses. **Response to Comment ReI10b-8** The Project is not moving forward under the CAP. As a Project that would result in zero net increase in GHG emissions over existing on-site conditions, it does not need to evaluate ways it can best eliminate such emissions. Please refer to Global Response: Reconsideration of General Plan Consistency Determination regarding the recently approved CAP for additional discussion. **Response to Comment ReI10b-9** Please refer to Response to Comment ReI4a-8 regarding the stated HGV-related funding shortfall for the new RSFFPD fire station near the Project site. **Response to Comment ReI10b-10** Opposition to the Project is noted, is part of the administrative record, and will be before decision makers during consideration of the Project.

COMMENTS	RESPONSES

Comment Letter ReI10c

From: VICTOR GONZALEZ <pvtsuccess19@aol.com>
Sent: Thursday, October 3, 2024 9:57 AM
To: Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; efhgtc@gmail.com; Lorenzana, Bianca; Montagne, Sarah; DMcQuead, Dave
Subject: [External] Please say no HGV South and to sprawl in wildfire prone areas.

Chairperson Vargas and Supervisors,

The HGVS project is currently on track to be built, despite the severe fire and evacuation risk it would pose to our community. We just received the report from an evacuation expert and he determined, conservatively, that including HGVS, there would be 3,436 vehicles attempting to evacuate during a wildfire event. It would take approximately 7 hours to evacuate this many vehicles on our sub-par road network. An average speed wildfire that starts 6 miles away from the site, would arrive within an hour. The math does not work out for us. For those of you who lived through the Cocos Fire (2014) I'm sure you remember how frantic it was to try to evacuate. On the east side of the valley, backups on Country Club. On the west side hour long backups at San Elijo Road. For the next fire, we will have thousands more cars in the community. ReI10c-1 ReI10c-2 ReI10c-3

Thanks for the chance to share my thoughts on the HGV South project. This location is simply not suitable for it. It's a rural canyon, surrounded by conservation land that taxpayers have generously funded. This includes thousands of acres across Del Dios Highlands, Elfin Forest Recreational Reserve, and numerous adjacent Escondido Creek Conservancy parcels. In fact, the parcel itself is included in the draft MSCP for North County as a "PAMA" pre-approved mitigation area. Coastal sage scrub habitat is highly sought after for mitigation due to its rarity and rapid decline. ReI10c-4

Placing a 453-home project in this canyon would have severe consequences. It would disrupt habitat connectivity, increase driving (as a car-centric, sprawl project will generate higher vehicle miles traveled), and perpetuate the detrimental legacy of San Diego's suburban sprawl. ReI10c-5

Instead, we should encourage more infill and density in downtown areas where existing infrastructure is already in place. The lack of proximity to public transportation will make these homes even more economically burdensome for households, as they will likely require multiple vehicles to commute.

However, the most critical issue is that this project blatantly violates all the principles of planning. It poses a high risk of wildfires, lacks adequate transit options, is not walkable, contributes significantly to greenhouse gas emissions, generates high vehicle miles traveled, and includes high-end market-rate homes. Moreover, it interferes with the intended wildlife corridor. ReI10c-6

I urge you to vote no on this project. Let the conservationists purchase it and complete the wildlife corridor it was meant to establish. ReI10c-7

Respectfully,

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Response to Comment ReI10c-1
The County appreciates your comments. Refer to Response to Comment ReI10b-1 regarding severe fire and evacuation risk.

Response to Comment ReI10c-2
Refer to Response to Comment ReO6b-8 regarding number of vehicles and evacuation timing.

Response to Comment ReI10c-3
Refer to Response to Comment ReI1-3 regarding evacuation congestion.

Response to Comment ReI10c-4
This letter has some editorial variation in word choice, but in terms of comment substance is virtually identical from this point forward with Comment Letter ReI3, submitted by Ben and Chondra Brown. Refer to Response to Comment ReI3-1 regarding the Project site and surrounding open space, as well as PAMA lands.

Response to Comment ReI10c-5
Please refer to Response to Comment ReI3-2 regarding VMT, infill, and sprawl.

Response to Comment ReI10c-6
Please refer to Response to Comment ReI3-3 regarding principles (precepts) of planning.

Response to Comment ReI10c-7
Opposition to the Project is noted, is part of the administrative record, and will be before decision makers during consideration of the Project.

COMMENTS	RESPONSES
Comment Letter ReI10d **From:** VICTOR GONZALEZ <pvsuccess19@aol.com> **Sent:** Thursday, October 3, 2024 9:58 AM **To:** Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; efhgtc@gmail.com; Lorenzana, Bianca; Montagne, Sarah; DMcQuead, Dave **Subject:** [External] Por favor no ponga nuestra familia en peligro con Harmony Grove Village South Estimados supervisores: No a mas congestion en nuestra area. Stop these projects. ReI10d-1 Hemos vivido en el área desde hace muchos años y ha sido una bendición poder disfrutar del medio ambiente, una vida campestre y buenos vecinos. Nos ayudamos uno al otro y en los tiempos de incendio, es cuando la comunidad es mas unida. ReI10d-2 Este proyecto, por lo que entiendo, propone 450 casas en un área muy combustible de la comunidad. Y se propone sin cumplir con los requisitos que rigen las leyes estatales de incluir dos vías de escape. Con miles carros mas sobre nuestras pequeñas rutas rurales, nuestra evacuación se va complicar bastante. No queremos estar atrapados al intentar huir el próximo incendio. ReI10d-3 Les urjo por favor, de no aprobar este proyecto al menos que propongan una ruta de escape secundario y que tomen en cuenta mas medidas para proteger a nuestra comunidad, tal como rigen las leyes locales y estatales de incendios. ReI10d-4 Atentamente, 1	*Reader: Please note that these comments were submitted and responded to in Spanish. English translations of the comment letter and responses follow text in Spanish.* **Response to Comment ReI10d-1** El Condado agradece sus comentarios. La oposición al Proyecto se toma en cuenta, es parte del registro administrativo y estará ante los tomadores de decisiones durante la consideración del Proyecto. **Response to Comment ReI10d-2** Este y los siguientes dos comentarios son idénticos a los comentarios presentados en la Carta de Comentarios ReI4c. Por favor, refiérase a la Respuesta al Comentario ReI4c-1 respecto a la comunidad existente. **Response to Comment ReI10d-3** Por favor, consulte la respuesta al comentario ReI4c-2 con respecto al cumplimiento de las leyes estatales. **Response to Comment ReI10d-4** Por favor, consulte la Respuesta al Comentario ReI4c-3 respecto al cumplimiento de las leyes estatales y locales de incendios y las conclusiones del Tribunal de Apelaciones sobre los análisis de seguridad contra incendios y evacuación del Proyecto.

COMMENTS	RESPONSES
Comment Letter ReI10d **Subject:** Don't put us in danger by approving a dangerous project like HGV South Dear Supervisors, No to more congestion in our area. Stop these projects. ReI10d-1 We have lived in the area for many years and it has been a blessing to be able to enjoy the environment, country living and good neighbors. We help each other and in times of fire, that's when the community is most united. ReI10d-2 This project, as far as I understand, proposes 450 houses in a very combustible area of the community. And it is proposed without complying with the requirements governing state laws to include two escape routes. With thousands more cars on our small rural routes, our evacuation is going to be quite complicated. We don't want to be trapped trying to flee the next fire. ReI10d-3 I urge you to please do not approve this bill unless you propose a secondary escape route, as governed by local and state fire laws. ReI10d-4 Kind regards	**Response to Comment ReI10d-1** The County appreciates your comments. These comments were previously provided by commenter as part of a 9:57 a.m. comment letter (ReI10b), and were responded to as part of that letter. Please refer to Responses to Comments ReI10b-4 through ReI10b-10 for responses to these verbatim comments. **Response to Comment ReI10d-2** This and the following two comments are identical with comments submitted in Comment Letter ReI4c. Please refer to Response to Comment ReI4c-1 regarding the existing community. **Response to Comment ReI10d-3** Please refer to Response to Comment ReI4c-2 regarding compliance with state laws. **Response to Comment ReI10d-4** Please refer to Response to Comment ReI4c-3 regarding compliance with state and local fire laws and Appellate Court conclusions regarding Project fire and evacuation safety analyses.

COMMENTS	RESPONSES

Comment Letter ReI10e

From: VICTOR GONZALEZ <pvsuccess19@aol.com>
Sent: Thursday, October 3, 2024 10:04 AM
To: Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; efhgtc@gmail.com; Lorenzana, Bianca; Montagne, Sarah; DMcQuead, Dave
Cc: art@suresafe.com; BattleMantleMama
Subject: [External] Prevent a Future Tragedy: Please deny Harmony Grove Village South

Dear Supervisors:

- There is only one evacuation route from this property. To meet a minimum level of safety, there would have to be a second way out. But because of steep slopes in the area, there is no feasible way to build a road to create a second evacuation route. ReI10e-1
- Adding more people to this high-risk zone increases the risk to current residents as well as putting new residents at risk. ReI10e-2
- These new residents will add traffic (4,530 of daily trips) to an already overburdened road network. Harmony Grove Road, Del Dios Highway, Via Rancho Parkway,and Highway 78 are already at a crawl during rush hours.Adding urban development in this semi-rural area diminishes the quality of life for everyone, as traffic increases. ReI10e-3

I'm writing to you with deep concern about the HGVS project and its impact on our community's safety. The roads in Elfin Forest, Harmony Grove, and Eden Valley are already precarious—narrow, winding two-lane roads lined with dense vegetation and chaparral. While this landscape may be scenic, it's a severe fire hazard. Adding the traffic from HGVS would make evacuation during a wildfire practically impossible. ReI10e-4

It's alarming to think that, with this project there will be SIX TIMES TIMES as many vehicles as we had on evacuating during the Cocos Fire. That fire brought our evacuation system to its knees, and that was with far fewer vehicles than we'd have now. People were stuck in standstill traffic on both ends of the valley, with some barely making it out before the fire reached their neighborhoods. With so many more cars on the road, I fear the consequences of the next fire will be far worse.

We've already lost so much to wildfires—hundreds of homes over the years, and tragically, a neighbor, David Hammond, who couldn't escape in time. Since the 1980s, it feels like we've been on a wildfire cycle, with a major event on average every few years. CalFire has classified our area as one of the most fire-prone in the state, and it's hard to comprehend how this project could move forward without adequate fire safety measures in place, such as a secondary evacuation route. ReI10e-5

The County and Fire District's support for this project, despite it waiving critical fire safety standards, feels like a betrayal. We've been told before that certain projects would be the last big development, but approving HGVS would push us over the edge. It risks turning our community into the next Camp Fire tragedy, where evacuating isn't even an option because of the overwhelming number of vehicles and insufficient infrastructure. ReI10e-6 ReI10e-7

Please, I urge you to vote no on this dangerous project, or at the very least require a thorough new fire safety analysis and demand a secondary egress. Our lives depend on it. ReI10e-8

Sincerely,

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Response to Comment ReI10e-1

The County appreciates your comments. The comment reflects a misunderstanding of the Project evacuation routes and the requested modification to the applicable dead-end road length code provision. As described in the 2018 FEIR and reflected in this comment, construction of a secondary access was found to be infeasible for the Project. Secondary access is one potential mitigation for a dead-end road length exceedance. It is not, however, the only potential mitigation. Please refer to Response to Comment ReI10a-2. Please also refer to Response to Comment ReI1-1 for Appellate Court conclusions regarding Project fire and evacuation safety analyses.

Response to Comment ReI10e-2

Increased population is not associated with increased risk of wildfire that would affect current residents. Please refer to the "Clarified Fire Starts/Ignitions and Housing Density" discussion in Global Response: 2024 Fire / Evacuation, which further details the relationship between wildland conversion and fire starts. In summary, while human activity leads to the start of the majority of fires in California, the conversion of wildland areas into hardened landscapes minimizes the potential for such starts to occur. Further, the fire prevention, protection and suppression features designed into the Project (and all new master planned communities) would protect the community and minimize the likelihood of an on-site ignition spreading off site. Therefore, the County disagrees that the Project would increase risk to current or future residents in the Project vicinity.

Response to Comment ReI10e-3

Traffic is not one of the issues addressed in 2024 recirculation, and as such, is beyond the scope of these comments. The Project traffic analysis was found adequate during the CEQA challenge to this Project. For description of the scope of 2024 recirculation pursuant to CEQA Guidelines Section 15088.5(c), please see the Recirculation Readers Guide, dated August 22, 2024. Please also refer to Global Response: Res Judicata and New Information. Some points of clarification are provided, however.

COMMENTS	RESPONSES
	As discussed in 2018 FEIR Subchapter 2.2, *Transportation/Traffic*, all traffic impacts to roadway segments analyzed in the 2018 FEIR are calculated to operate at acceptable level of service (LOS) D or better with identified mitigation. Specific to SR-78, while the segment west of Nordahl Road would operate at an unacceptable LOS in the Existing Plus Cumulative Plus Project scenario, Project traffic in conjunction with cumulative traffic along this segment would not exceed the applicable significance criteria. No segments of Del Dios Highway or Via Rancho Parkway were studied in the Project *Traffic Impact Analysis* (TIA; Appendix D). The study area was based on the criteria identified in the *County of San Diego's Report Format & Content Requirements: Transportation & Traffic*, August 24, 2011, which state that, "the scope of the full direct and cumulative traffic assessment shall include those [Mobility Element] roads and intersections that will receive 25 peak hour trips (two-way peak hour total)." In addition, the County criteria state that a full traffic impact study should include all regional arterials (including all state surface routes), intersections, and mainline freeway locations where the Proposed Project will add 50 or more peak hour trips to the existing roadway traffic. As Project-generated trips would not contribute this number of trips to Del Dios Highway or Via Rancho Parkway, no substantial Project-related increase in traffic would occur and no further analysis was required. As a point of clarification, it is noted that the Project would not add 4,530 daily trips to area roadways. The Project TIA conservatively analyzed trips, and identified both direct and cumulative mitigation as appropriate. As shown in Attachment H to Appendix D of the 2018 FEIR, however, there actually would be fewer Project trips. Attachment H documents a reduction in trips from 4,500 (a conservative estimate at the time based on an assumption that 450 single family residences could be constructed), to a more accurate 4,010 trips based on the current Project description proposing 193 single-family residences (generating 1,930 ADT) and 260 multi-family residences (generating 2,080 ADT). Project assessed impacts would therefore be lower than identified, although no change is proposed to required mitigation.

COMMENTS	RESPONSES
	Response to Comment ReI10e-4 This comment and the following comments also were provided by commenter in Comment Letter ReI10a. Please refer to Response to Comment ReI10a-1 regarding traffic congestion during evacuation events. **Response to Comment ReI10e-5** Please refer to Response to Comment ReI10a-2 regarding adequacy of fire safety measures. **Response to Comment ReI10e-6** Please refer to Response to Comment ReI2-3 regarding the fact that the County and RSFPPD have not waived critical fire standards. **Response to Comment ReI10e-7** Comments noted. It is not possible for commitments to be made that conditions will never change within a planning area. Please refer to Response to Comment ReI2-4 for discussion. Relative to evacuation concerns, please refer to global responses cited in Response to Comment ReI10a-2. Please refer to Response to Comment ReI2-4 regarding the Camp Fire and the vastly dissimilar conditions from the Project area. **Response to Comment ReI10e-8** Opposition to the Project is noted, is part of the administrative record, and will be before decision makers during consideration of the Project. Please refer to Global Response: 2024 Fire / Evacuation, which details why no new fire analysis is required, and Response to Comment ReI10a-2 relative to secondary egress.

COMMENTS	RESPONSES

Comment Letter ReI10f

From: VICTOR GONZALEZ <pvsuccess19@aol.com>
Sent: Thursday, October 3, 2024 10:05 AM
To: Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; efhgtc@gmail.com; Lorenzana, Bianca; Montagne, Sarah; DMcQuead, Dave
Cc: art@suresafe.com; BattleMantleMama
Subject: [External] Please say no HGV South and to sprawl in wildfire prone areas.

Chairperson Vargas and Supervisors,

Thanks for the chance to share my thoughts on the HGV South project. This location is simply not suitable for it. It's a rural canyon, surrounded by conservation land that taxpayers have generously funded. This includes thousands of acres across Del Dios Highlands, Elfin Forest Recreational Reserve, and numerous adjacent Escondido Creek Conservancy parcels. In fact, the parcel itself is included in the draft MSCP for North County as a "PAMA" pre-approved mitigation area. Coastal sage scrub habitat is highly sought after for mitigation due to its rarity and rapid decline. — ReI10f-1

Placing a 453-home project in this canyon would have severe consequences. It would disrupt habitat connectivity, increase driving (as a car-centric, sprawl project will generate higher vehicle miles traveled), and perpetuate the detrimental legacy of San Diego's suburban sprawl.

Instead, we should encourage more infill and density in downtown areas where existing infrastructure is already in place. The lack of proximity to public transportation will make these homes even more economically burdensome for households, as they will likely require multiple vehicles to commute. — ReI10f-2

However, the most critical issue is that this project blatantly violates all the principles of planning. It poses a high risk of wildfires, lacks adequate transit options, is not walkable, contributes significantly to greenhouse gas emissions, generates high vehicle miles traveled, and includes high-end market-rate homes. Moreover, it interferes with the intended wildlife corridor. — ReI10f-3

I urge you to vote no on this project. Let the conservationists purchase it and complete the wildlife corridor it was meant to establish. — ReI10f-4

Respectfully,

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Response to Comment ReI10f-1
The County appreciates your comments. This letter has some editorial variation in word choice, but in terms of comment substance is virtually identical with Comment Letter ReI3, submitted by April Bevins Cooper. Please refer to Response to Comment ReI3-1 regarding surrounding open space, as well as PAMA lands.

Response to Comment ReI10f-2
Please refer to Response to Comment ReI3-2 regarding VMT, infill, and sprawl.

Response to Comment ReI10f-3
Please refer to Response to Comment ReI3-3 regarding principles (precepts) of planning.

Response to Comment ReI10f-4
Please refer to Response to Comment ReI3-4 regarding opposition to the Project. Opposition to the Project is noted, is part of the administrative record, and will be before decision makers during consideration of the Project. A suggestion regarding conservationist purchase of the site is noted. This does not relate to adequacy of Project environmental evaluation and no response is required. Refer to Response to Comment ReI3-1 related to wildlife corridors.

COMMENTS	RESPONSES
Comment Letter ReI10g **From:** VICTOR GONZALEZ <pvsuccess19@aol.com> **Sent:** Thursday, October 3, 2024 10:05 AM **To:** Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; efhgtc@gmail.com; Lorenzana, Bianca; Montagne, Sarah; DMcQuead, Dave **Cc:** art@suresafe.com; battleMantleMama **Subject:** [External] Don't Gamble with Our Safety: Please reject Harmony Grove Village South Dear Supervisors, This project doesn't make sense for our community, especially now with everything we've learned over the past few years. Wildfires have become far more intense and frequent, and this year we've already crossed the million-acre mark. CalFire has even reclassified our entire area, including the proposed development, as a Very High Fire Severity Zone. It's clear that our valley is in more danger than ever, and yet this project doesn't account for those growing risks. ReI10g-1 Our community has put together a wildfire evacuation plan, and it's clear that any new development would need to incorporate it into their planning. But HGV South seems to completely ignore that. The County's new fire protection guidelines alone should stop this project in its tracks, not to mention the updated guidance from the attorney general that makes a development like this nearly impossible to approve. The fact that the County already rejected Lilac Hills Ranch in Valley Center because of inadequate evacuation routes should be telling. That project had multiple ways out—this one only has one. We can't afford to make the same mistake twice. ReI10g-2 ReI10g-3 ReI10g-4 The recent approval of the Climate Action Plan also makes this project feel even more out of place. It's designed to improve wildfire safety and reduce traffic and vehicle miles traveled, yet HGV South doesn't fit into that vision at all. ReI10g-5 To top it all off, I'm hearing that the RSF Fire District is facing budget shortfalls because the last HGV project didn't properly fund the fire station they were required to build. It's hard to understand why we would even consider another risky project when the last one didn't deliver on its promises. Our safety shouldn't be compromised to fix someone else's financial mistakes. ReI10g-6 Please do the right thing and vote against this project. The risks are too high for all of us. ReI10g-7 Sincerely, 1	**Response to Comments ReI10g-1 through ReI10g-7** The County appreciates your comments. These comments were previously provided by commenter as part of a 9:57 a.m. comment letter (ReI10b), and were responded to as part of that letter. Please refer to Responses to Comments ReI10b-4 through ReI10b-10 for responses to these verbatim comments.

COMMENTS	RESPONSES

Comment Letter ReI11

From: Vanessa Graham <vanna_noel@yahoo.com>
Sent: Wednesday, October 2, 2024 1:22 PM
To: Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; efhgtc@gmail.com; Lorenzana, Bianca; Montagne, Sarah; DMcQuead, Dave
Subject: [External] Please don't put our community in danger, Vote No on Harmony Grove Village South

Esteemed Supervisors: Wildfires are becoming more and more prevalent. Our community has suffered through dozens of large scale wildfires. We're probably the most wildfire prone community in the County. On average, we've had a major wildfire every four years since the 80s. We've lost hundreds of homes over the years and even lost a neighbor. ReI11-1

The roads in Elfin Forest, Harmony Grove and Eden Valley are treacherous. They are windy, two lane roads, lined with vegetation and thousands of acres of chaparral and scrub brush all around. Yes, it is beautiful, but it is dangerous. ReI11-2

It is unconscionable that the County and the Fire District have chosen to support a large subdivision that waives fire safety standards requiring secondary egress. Our community has supported big projects in the past, on assurances from County staff that "that one would be it." This project will break the proverbial camel's back and I loathe to think that we may become the next Camp fire due to the inability to evacuate the many thousands of cars. ReI11-3 ReI11-4

Please vote no on this terrible project or at the very least REQUIRE a secondary egress so I can escape the next fire with my family. ReI11-5

Sincerely,
Vanessa Graham

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Response to Comment ReI11-1
The County appreciates your comments. This letter is verbatim with that provided by April Bevins (Comment Letter ReI-2). Please refer to Response to Comment ReI2-1 regarding wildfire prevalence.

Response to Comment ReI11-2
Please refer to Response to Comment ReI2-2 regarding area roads.

Response to Comment ReI11-3
Please refer to Response to Comment ReI2-3 regarding how the Project is consistent with requirements and has not "waived" fire safety standards requiring secondary access.

Response to Comment ReI11-4
Please refer to Response to Comment ReI2-4 regarding dissimilarity between the Project area and that of the Camp Fire.

Response to Comment ReI11-5
Opposition to the Project is noted, is part of the administrative record, and will be before decision makers during consideration of the Project. Please refer to Global Response: 2024 Fire / Evacuation, which details why no new fire analysis is required, and Responses to Comments ReI2-3 and ReI10a-2 relative to secondary egress.

COMMENTS	RESPONSES

Comment Letter ReI12a

From: BattleMantleMama <battlemantlemama@protonmail.com>
Sent: Thursday, October 3, 2024 12:45 PM
To: Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; efhgtc@gmail.com; Lorenzana, Bianca; Montagne, Sarah; DMcQuead, Dave
Cc: art@suresafe.com; battlemantlemama
Subject: [External] No to HGV South and to sprawl in wildfire prone areas.

> Chairperson Vargas and Supervisors,
>
> Thank you for the chance to share my thoughts on the HGV South project. This location is simply not suitable for it. It's a rural canyon, surrounded by conservation land that taxpayers have generously funded. This includes thousands of acres across Del Dios Highlands, Elfin Forest Recreational Reserve, and numerous adjacent Escondido Creek Conservancy parcels. In fact, the parcel itself is included in the draft MSCP for North County as a "PAMA" pre-approved mitigation area. Coastal sage scrub habitat is highly sought after for mitigation due to its rarity and rapid decline. ReI12a-1
>
> Placing a 453-home project in this canyon would have severe consequences. It would disrupt habitat connectivity, increase driving (as a car-centric, sprawl project will generate higher vehicle miles traveled), and perpetuate the detrimental legacy of San Diego's suburban sprawl. ReI12a-2
>
> Instead, we should encourage more infill and density in downtown areas where existing infrastructure is already in place. The lack of proximity to public transportation will make these homes even more economically burdensome for households, as they will likely require multiple vehicles to commute.
>
> However, the most critical issue is that this project blatantly violates all the principles of planning. It poses a high risk of wildfires, lacks adequate transit options, is not walkable, contributes significantly to greenhouse gas emissions, generates high vehicle miles traveled, and includes high-end market-rate homes. Moreover, it interferes with the intended wildlife corridor. ReI12a-3
>
> I urge you to vote no on this project. Let the conservationists purchase it and complete the wildlife corridor it was meant to establish. ReI12a-4
>
> Respectfully,

Nancy Grubbs
Escondido

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Response to Comment ReI12a-1
The County appreciates your comments. This letter is nearly verbatim with comments 1 through 4 provided by Ben and Chondra Brown (Comment Letter ReI3). Please refer to Response to Comment ReI3-1 regarding the Project site and surrounding open space, as well as PAMA lands.

Response to Comment ReI12a-2
Please refer to Response to Comment ReI3-2 regarding VMT, infill, and sprawl.

Response to Comment ReI12a-3
Please refer to Response to Comment ReI3-3 regarding principles (precepts) of planning.

Response to Comment ReI12a-4
Opposition to the Project is noted, is part of the administrative record, and will be before decision makers during consideration of the Project.

COMMENTS	RESPONSES

Comment Letter ReI12b

From: BattleMantleMama <battlemantlemama@protonmail.com>
Sent: Thursday, October 3, 2024 12:46 PM
To: Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; efhgtc@gmail.com; Lorenzana, Bianca; Montagne, Sarah; DMcQuead, Dave
Cc: art@suresafe.com; battlemantlemama
Subject: [External] Don't Gamble with Our Safety: Please reject Harmony Grove Village South

> Dear Supervisors,
>
> This project doesn't make sense for our community, especially now with everything we've learned over the past few years. Wildfires have become far more intense and frequent, and this year we've already crossed the million-acre mark. CalFire has even reclassified our entire area, including the proposed development, as a Very High Fire Severity Zone. It's clear that our valley is in more danger than ever, and yet this project doesn't account for those growing risks. — ReI12b-1
>
> Our community has put together a wildfire evacuation plan, and it's clear that any new development would need to incorporate it into their planning. But HGV South seems to completely ignore that. The County's new fire protection guidelines alone should stop this project in its tracks, not to mention the updated guidance from the attorney general that makes a development like this nearly impossible to approve. The fact that the County already rejected Lilac Hills Ranch in Valley Center because of inadequate evacuation routes should be telling. That project had multiple ways out—this one only has one. We can't afford to make the same mistake twice. — ReI12b-2, ReI12b-3, ReI12b-4
>
> The recent approval of the Climate Action Plan also makes this project feel even more out of place. It's designed to improve wildfire safety and reduce traffic and vehicle miles traveled, yet HGV South doesn't fit into that vision at all. — ReI12b-5
>
> To top it all off, I'm hearing that the RSF Fire District is facing budget shortfalls because the last HGV project didn't properly fund the fire station they were required to build. It's hard to understand why we would even consider another risky project when the last one didn't deliver on its promises. Our safety shouldn't be compromised to fix someone else's financial mistakes. — ReI12b-6
>
> Please do the right thing and vote against this project. The risks are too high for all of us. — ReI12b-7
>
> Sincerely,

Nancy Grubbs
Escondido
>

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Response to Comment ReI12b-1
The County appreciates your comments. This letter is verbatim with comments 4 through 10 provided by Victor Gonzalez (Comment Letter ReI0b). Please refer to Response to Comment ReI10b-4 regarding wildfire frequency and severity, as well as continued discussion on that point in Response to Comment ReI1-1, which also contains quotations for Appellate Court conclusions regarding Project fire and evacuation safety analyses.

Response to Comment ReI12b-2
Please refer to Response to Comment ReI10b-5 regarding a new community evacuation plan.

Response to Comment ReI12b-3
Please refer to Response to Comment ReI10b-6 regarding the County's new Fire Protection Plan Guidelines and Project consistency with them.

Response to Comment ReI12b-4
Please refer to Response to Comment ReI10b-7 regarding inapplicability of Lilac Hills Ranch to the Project and evacuation.

Response to Comment ReI12b-5
Please refer to Response to Comment ReI4a-7 and Global Response: Reconsideration of General Plan Consistency Determination regarding inapplicability to the Project of the County's new Climate Action Plan.

Response to Comment ReI12b-6
Please refer to Response to Comment ReI4a-8 regarding the stated HGV-related funding shortfall for the new RSFFPD fire station near the Project site.

Response to Comment ReI12b-7
Opposition to the Project is noted, is part of the administrative record, and will be before decision makers during consideration of the Project.

COMMENTS	RESPONSES

Comment Letter ReI12c

From: BattleMantleMama <battlemantlemama@protonmail.com>
Sent: Thursday, October 3, 2024 12:52 PM
To: Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; efhgtc@gmail.com; Lorenzana, Bianca; Montagne, Sarah; DMcQuead, Dave
Cc: art@suresafe.com; battlemantlemama
Subject: [External] Re: Prevent a Future Tragedy: Please deny Harmony Grove Village South

From: Nancy Grubbs, Escondido

I concur with these statements.

-------- Original Message --------
On 10/3/24 10:04 AM, VICTOR GONZALEZ wrote:

Dear Supervisors:

- There is only one evacuation route from this property. To meet a minimum level of safety, there would have to be a second way out. But because of steep slopes in the area, there is no feasible way to build a road to create a second evacuation route. ReI12c-1
- Adding more people to this high-risk zone increases the risk to current residents as well as putting new residents at risk. ReI12c-2
- These new residents will add traffic (4,530 of daily trips) to an already overburdened road network. Harmony Grove Road, Del Dios Highway, Via Rancho Parkway, and Highway 76 are already at a crawl during rush hours.Adding urban development in this semi-rural area diminishes the quality of life for everyone, as traffic increases. ReI12c-3

I'm writing to you with deep concern about the HGVS project and its impact on our community's safety. The roads in Elfin Forest, Harmony Grove, and Eden Valley are already precarious—narrow, winding two-lane roads lined with dense vegetation and chaparral. While this landscape may be scenic, it's a severe fire hazard. Adding the traffic from HGVS would make evacuation during a wildfire practically impossible. ReI12c-4

It's alarming to think that, with this project there will be SIX TIMES TIMES as many vehicles as we had on evacuating during the Cocos Fire. That fire brought our evacuation system to its knees, and that was with far fewer vehicles than we'd have now. People were stuck in standstill traffic on both ends of the valley, with some barely making it out before the fire reached their neighborhoods. With so many more cars on the road, I fear the consequences of the next fire will be far worse. ReI12c-5

We've already lost so much to wildfires—hundreds of homes over the years, and tragically, a neighbor, David Hammond, who couldn't escape in time. Since the 1980s, it feels like we've been on a wildfire cycle, with a major event on average every few years. CalFire has classified our area as one of the most fire-prone in the state, and it's hard to comprehend how this project could move forward without adequate fire safety measures in place, such as a secondary evacuation route.

The County and Fire District's support for this project, despite it waiving critical fire safety standards, feels like a betrayal. We've been told before that certain projects would be the ReI12c-6

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Response to Comment ReI12c-1
The County appreciates your comments. This letter is verbatim with comments 1 through 8 provided by Victor Gonzalez (Comment Letter ReI10e, which replicates portions of Comment Letter ReI10a). Please refer to Response to Comment ReI10e-1 regarding evacuation routes.

Response to Comment ReI12c-2
Please refer to Response to Comment ReI10e-2 regarding population and increased risk of wildfire.

Response to Comment ReI12c-3
Please refer to Response to Comment ReI10e-3 regarding Project-related traffic.

Response to Comment ReI12c-4
Please refer to Response to Comment ReI10a-1 regarding evacuation.

Response to Comment ReI12c-5
Please refer to Response to Comment ReI10a-2 regarding wildfire hazards and to Global Response: 2024 Fire / Evacuation regarding tragic loss of a neighbor in 1996.

Response to Comment ReI12c-6
Please refer to Response to Comment ReI10a-3 regarding the fact that the County and RSFFPD have not waived fire safety standards.

COMMENTS	RESPONSES
Comment Letter Rel12c last big development, but approving HGVS would push us over the edge. It risks turning our community into the next Camp Fire tragedy, where evacuating isn't even an option because of the overwhelming number of vehicles and insufficient infrastructure. Rel12c-7 Please, I urge you to vote no on this dangerous project, or at the very least require a thorough new fire safety analysis and demand a secondary egress. Our lives depend on it. Rel12c-8 Sincerely, 2	**Response to Comment Rel12c-7** It is not possible for commitments to be made that conditions will never change within a planning area. Please refer to Response to Comment ReI2-4 for discussion. **Response to Comment Rel12c-8** Opposition to the Project is noted, is part of the administrative record, and will be before decision makers during consideration of the Project. Please refer to Global Response: 2024 Fire / Evacuation, which details why no new fire analysis is required, and Response to Comment ReI10a-2 relative to secondary egress.

COMMENTS	RESPONSES

Comment Letter Rel13

From: Mid Hoppenrath <midhop@gmail.com>
Sent: Sunday, October 6, 2024 10:32 AM
To: Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; JP Theberge; Lorenzana, Bianca; Montagne, Sarah; DMcQuead, Dave
Subject: [External]

Honorable Supervisors:

I would like to suggest mitigation for the HGVS project regarding greenhouse emissions that might be more suitable for the existing Harmony Grove community. But first I would like to address a serious threat regarding the apparent acceptance of the HGVS project in spite of the significant increase in evacuation time it imposes on our rural community. For the new Supervisors, I would like to just give a brief history of the historic Harmony Grove community. It was actually first listed on the USGS maps in 1882, which is years before the incorporation of the city of Escondido. It has a lot of historic landmarks and artifacts from the Northern Diegueno and Luiseno Indian tribes that considered the area to be a Peace Grounds that gave off beneficial vibrations. As years went by and resident farmers decided to sell their properties, we knew development would follow. The rural residents of Harmony Grove worked closely with the county staff, including Davia Locke, in three workshops to plan the future development of Harmony Grove. After holding several public hearings and having lots of discussion, including with the land owners and developers of the proposed Harmony Grove Village, the Harmony Grove Elfin Forest Community Plan was officially approved by the County. Rel13-1

I, along with other residents, welcomed the original Harmony Grove Village project, even though it increased the number of homes in Harmony Grove by several hundred percent. This was because it was designed to preserve our legacy communities and also actually lower our fire risk by building a local fire station, adding a major new evacuation route, and controlling sprawl by establishing a pattern of dense central housing gradually decreasing outward in density to more rural properties. This scheme was documented and, we thought, preserved, in our County-approved Community Plan. We thought it stood as a model for successful cooperation between residents and County staff.

HGVS completely violates this critical pattern and does not provide any meaningful mitigation for the significantly increased traffic congestion that it would cause during emergency evacuations. Simply adding more fire hydrants within the project will not improve traffic on our local two-lane roads that have no existing shoulders and no reasonable route to expansion, given the lack of County easements. Adding to the problems of this indiscriminate infill is the difficulty of evacuating our large animals. Given the dense brush around our local rural roads, backing or turning a truck and trailer in a line of cars can be impossible. Worse, if you have to leave your vehicle on a highway threatened by an overun of wildfire, a not uncommon occurance these days, your animals could tragically die in the abandoned trailer as the ramp cannot be lowered with a backup of vehicles behind you. I implore you, please consider a redesign of the HGVS project in a manner that complies with our original County-approved Community Plan, and perhaps add more affordable housing that the County really needs. Rel13-2 Rel13-3 Rel13-4

I urge you to consider a more rural model for affordable housing. One in which small modest homes (maybe manufactured?) are situated on perhaps 1 or 2 acres of land. With few or no community amenities, any HOA fees would be very affordable. These homes could be income producing. The homeowner can board up to 3 horses by right, and more with proper permitting. They could grow vegetables for local restaurants and farmers markets, run a small business like a day care, or dog grooming. There are successful examples of these businesses currently in the community. Rel13-5

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Response to Comment Rel13-1

The County appreciates your comments. The majority of these comments provide commenter's information and opinion regarding the community and development of the Community Plan, as well as initial response to Harmony Grove Village (HGV), located just west and north of HGV South. These are not comments on adequacy of the HGV South Project environmental analyses and do not require response. The County would like to note, however, that based on technical analysis and review, the Project is not projected to result in a significant increase in evacuation time. Please refer to 2018 Global Response: Adequacy of Emergency Evacuation, Global Response: 2024 Fire / Evacuation, and Response to Comment ReI1-1 for Appellate Court conclusions regarding Project fire and evacuation safety analyses.

Response to Comment Rel13-2

The County does not agree that the Project would "violate" a "critical pattern." The Project does require General Plan and Community Plan amendments (GPA and CPA), but please refer to 2018 FEIR Section 3.1.5, Land Use and Planning, as well as 2018 Global Responses: Project Consistency with General Plan Policy LU-1.4, and General Plan/Community Plan Amendments CEQA Impact Analysis, which detail how the Project is consistent with County planning principles. Addition of fire hydrants is intended to provide a fire safety element, and is not proposed to improve traffic on existing local roads. What does improve existing local roads is the widening of travel lanes and inclusion of an additional lane from the southern Project entrance to the intersection with Harmony Grove Road along Country Club Drive (CCD), as well as a major engineering effort of replacing a current, narrow, Arizona crossing with a three-lane bridge over Escondido Creek that also incorporates equestrian and pedestrian paths. These features are direct road improvements that would improve access/egress from homes immediately south and west of the Project. More general improvements north of the creek crossing would also occur as a result of mitigation specified in Subchapter 2.2, Traffic/Transportation, of the 2018 FEIR. Those improvements would benefit the larger community as well, within both the County and nearby areas in the City of Escondido.

COMMENTS	RESPONSES
	Response to Comment ReI13-3 Please refer to Response to Comment ReI7-6, which addresses evacuation of large animals and references assumptions regarding animal trailers in evacuation timing assumptions and temporary refuges available during emergency evacuations. It is also expected, however, that existing livestock owners in the Project vicinity have personal responsibility and contingency plans for moving their livestock. It is highly recommended that the community prepare for wildfire evacuations now, regardless of HGV South's construction. Please refer to Response to Comment ReI7-6. **Response to Comment ReI13-4** The County is experiencing a severe housing shortage. Consistent with this comment, HGV South will be conditioned to include affordable housing consistent with state categories if the Project is approved. Please refer to the Affordable Housing Condition discussion in the Readers Guide to Recirculation of the FEIR in August 2024, as well as discussion in Global Response: Reconsideration of General Plan Consistency Determination. **Response to Comment ReI13-5** The County would consider such a development option if an applicant brought it forward. At this point for the current Project, however, the County is considering adequacy of recirculation items identified as requiring revision by the Court of Appeal during CEQA challenge to the Project begun in 2018. Please refer to Global Response: Res Judicata and New Information.

COMMENTS	RESPONSES
Comment Letter Rel13 Lastly, I suggest mitigation for the greenhouse gas emissions include offering local community residents access to a discounted solar panel installation, rather than installing solar panels on a distant commercial building downtown. In addition, perhaps some contributions could be made for a bike path from HGVS to the ERTC industrial complex. This would be a great project to help HGVS residents commute to work or public transport without their cars and encourage employees from the ERTC to visit the Harmony Grove Village retail center. And lastly, a bus route could be added with stops in the HGVS, the original HG Village, the proposed Valiano project, and the ERTC, as well as the Sprinter station and the Escondido Transit Center. Rel13-6 Rel13-7 Rel13-8 Thank you for your consideration of these matters. Mid Hoppenrath 2640 Harmony Heights Rd Harmony Grove, CA. 92029 2	**Response to Comment Rel13-6** Comments noted. The primary objective of the Project's mitigation strategy is to install enough solar panels to generate energy that offsets the Project's GHG emissions after implementation of all feasible PDFs. The commercial facility mentioned in the recirculated Subchapter 2.7 is an example to show that the emissions reductions anticipated to occur as a result of Project implementation can be achieved. The County appreciates the suggested implementation method to provide existing residents with solar panels, and will consider such action for appropriate projects. Given the required roof area to install solar panels capable of generating 1,720 KW, however, spreading facilities among numerous smaller residences would result in tracking, monitoring and maintenance activities (and ongoing confirmation of those activities) that would be onerous for the wattage involved. **Response to Comment Rel13-7** The Project must provide mitigation that is measurable and enforceable. Adding a bike lane from the Project to a specific location in Escondido assumes a very specific travel pattern, as well as bike riders using it, which cannot be reasonably projected based on an unknown group of purchasers of the Project. This renders efficacy of such a measure speculative (i.e., not measurable or enforceable). Also, there is no nexus to require such a bike lane. The Project is striping CCD for sharrows where the Project is improving the road. **Response to Comment Rel13-8** The Project is providing space for a bus stop on site in the event that public transportation is provided into this portion of the County. Provision of such service, however, is under the purview of another agency (North County Transit District; NCTD), and neither the County nor the Applicant can direct NCTD to provide such service.

COMMENTS	RESPONSES

Comment Letter ReI14

From: Hounds To Horses Pet Services <info@houndstohorses.com>
Sent: Thursday, October 3, 2024 11:54 AM
To: Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; efhgtc@gmail.com; Lorenzana, Bianca; Montagne, Sarah; DMcQuead, Dave
Subject: [External] Do the right thing: Deny Harmony Grove Village South!
Attachments: 3_Fire (1).jpg; 3_Fire (3)_edited.jpg; Screenshot_20240514_145333_Chrome.jpg; Screenshot_20231207_005426_Chrome~2.jpg

Dear Supervisors:

I'm writing to you with huge concerns about the HGVS project and its impact on our community's safety. The roads in Elfin Forest, Harmony Grove, and Eden Valley are already dangerous...narrow, winding two-lane roads lined with dense vegetation and chaparral, making it a severe fire hazard. Adding the traffic from HGVS would make evacuation during a wildfire disastrous for us...the existing residents. — ReI14-1

Adding this project will add SIX TIMES TIMES as many vehicles as we had on evacuating during the Cocos Fire. That fire brought our evacuation system to its knees, and Harmony Grove Village (743 homes) wasn't even built yet. We were stuck in standstill traffic on both ends of the valley, before the fire surrounded two sides of our property. With so many more cars on the road, I fear the consequences of the next fire will be far worse. We lost 30 homes in the Coco's fire! — ReI14-1

Years ago we were told by County officials that HGV would be the last big development, but then the Valliano project was approved. That is almost 1,000 homes that were not here yet during the Coco's fire, with NO additional infrastructure improvements for evacuation. Now, by approving HGVS, this would push us over the edge. It risks turning our community into the next Camp Fire tragedy, where evacuating isn't even an option because of the overwhelming number of vehicles and insufficient infrastructure. — ReI14-2, ReI14-3

It's no longer IF, but WHEN we will be hit with the next wildfire. CalFire has classified our area as one of the most fire-prone in the state, and it's hard to comprehend how this project could move forward without adequate fire safety measures in place. This new project will only have one evacuation route (instead of the two required), which directly feeds into the same evacuation route as the rest of us must use. We are an equestrian community. While we are always prepared to evacuate with our livestock, we typically need to make a few trips with trailers. — ReI14-4, ReI14-5, ReI14-6

How are the The County and Fire District's even allowed to support this project, while waiving critical fire safety standards? Stop the insanity and DO THE RIGHT THING! — ReI14-7

Please, I urge you to vote no on this dangerous project. Our lives depend on it, and we depend on you, our elected officials, to do the right thing on or behalf. — ReI14-8

Sincerely,

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Response to Comment ReI14-1
The County appreciates your comments. Please refer to Response to Comment ReI10a-1 regarding area roads and future evacuations. As a point of information, please note that the pre- and post-HGV evacuation conditions are not the same. HGV Parkway, and an improved bridge over Escondido Creek provide a more direct route east into developed and more fire-defensible areas, which did not exist during the Cocos fire. Please refer to Response to Comment ReI1-1 for Appellate Court conclusions regarding Project fire and evacuation safety analyses. See also Response to Comment ReI10a-1 regarding additional connection approved to La Moree.

Response to Comment ReI14-2
Comments noted. It is not possible for commitments to be made that conditions will never change within a planning area. Please refer to Response to Comment ReI2-4 for discussion.

Response to Comment ReI14-3
Please refer to Response to Comment ReI2-4 regarding the Camp Fire and the vastly dissimilar conditions from the Project area.

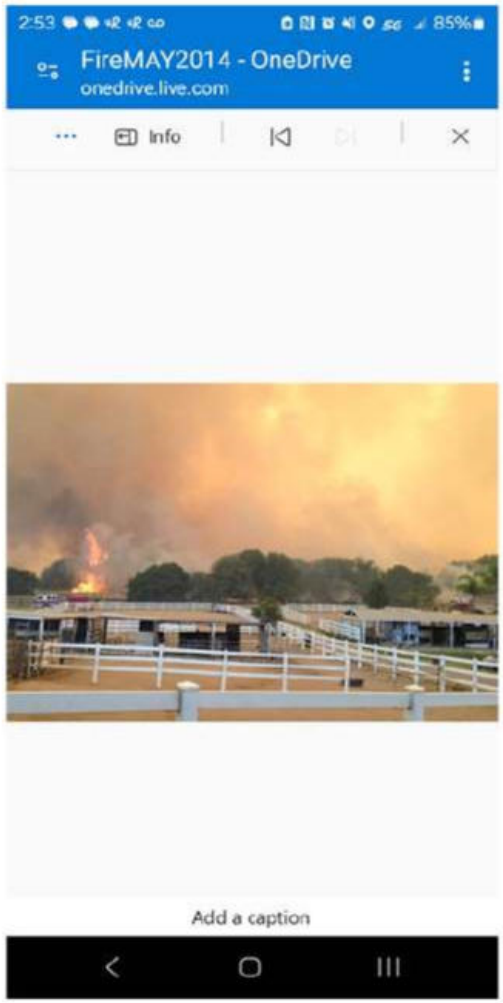
Response to Comment ReI14-4
Please refer to Response to Comment ReI10a-3 regarding detailed analysis related to fire safety standards.

Response to Comment ReI14-5
Please refer to Response to Comment ReI1-5 regarding evacuation and required access/egress.

Response to Comment ReI14-6
It is noted that during evacuation events, it is not recommended, and often not allowed by emergency personnel, for multiple trips into an evacuating area to be made. Please refer to Response to Comment ReI7-6 regarding large animal evacuation relative to vehicles per hour and potential refuge areas available at HGV should your vehicles be routed south by emergency personnel, as well as recent successful evacuation of large animals.

COMMENTS	RESPONSES
Comment Letter Rel14 Janean Huston 1023 Country Club Drive Escondido, CA 92029 PS: The view from my home during our evacuation in the Coco's Fire. Rel14-8 cont. 2	**Response to Comment Rel14-7** Critical fire standards are not being waived. Again, please refer to Response to Comment ReI10a-3 regarding detailed analysis related to fire safety standards. **Response to Comment Rel14-8** Opposition to the Project is noted, is part of the administrative record, and will be before decision makers during consideration of the Project. Decision makers will reach a considered conclusion based on all of the data before them during consideration of the Project. The remainder of the comment consists of photographs of fire proximity to the commenter's home. They provide documentation of the commenter's experience, but do not address adequacy of environmental analyses in the EIR documents. No additional response is required.

COMMENTS	RESPONSES
Comment Letter Rel14 Rel14-8 cont.	

COMMENTS	RESPONSES
Comment Letter Rel14  Rel14-8 cont.	

COMMENTS	RESPONSES

Comment Letter ReI15

From: Vanessa James <vanessajames1946@icloud.com>
Sent: Monday, October 7, 2024 1:03 PM
To: Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; Elfin Forest Harmony Grove Town Council; Lorenzana, Bianca; Montagne, Sarah; DMcQuead, Dave
Subject: [External] Prevent a Future Tragedy: Please deny Harmony Grove Village South

Honorable Supervisors and Fire District:

I'm writing to you with deep concern about the HGVS project and its impact on our community's safety. The roads in Elfin Forest, Harmony Grove, and Eden Valley are already precarious—narrow, winding two-lane roads lined with dense vegetation and chaparral. While this landscape may be scenic, it's a severe fire hazard. I know this first hand as I live alongside Harmony Grove Road. To think that adding the traffic from HGVS would allow for evacuation pro be possible (visualize burned people in their cars) is foolhardy at best and criminal.

It's alarming to think that, with this project there will be SIX TIMES TIMES as many vehicles as we had on evacuating during the Cocos Fire. I and my family lived through that fire. That fire brought our evacuation system to its knees, and that was with far fewer vehicles than we'd have now. People were stuck in standstill traffic on both ends of the valley, with some barely making it out before the fire reached their neighborhoods. With so many more cars on the road, I fear the consequences of the next fire will be far worse. — ReI15-1

We've already lost so much to wildfires—hundreds of homes over the years, and tragically, a neighbor, David Hammond, who couldn't escape in time. Since the 1980s, it feels like we've been on a wildfire cycle, with a major event on average every few years. CalFire has classified our area as one of the most fire-prone in the state, and it's hard to comprehend how this project could move forward without adequate fire safety measures in place, such as a secondary evacuation route. — ReI15-2

The County and Fire District's support for this project, despite it waiving critical fire safety standards, feels like a betrayal. — ReI15-3
We've been told before that certain projects would be the last big development, but approving HGVS would push us over the edge. It risks turning our community into the next Camp Fire tragedy, where evacuating isn't even an option because of the overwhelming number of vehicles and insufficient infrastructure. — ReI15-4

Please, I urge you to vote no on this dangerous project. I ask you to recall some of the lyrics from the song, "The Answer my Friend is Blowing in the Wind." "How many times can a man turn his head and pretend that he just doesn't see? How many ears must one man have before he can hear people cry? How many deaths will it take 'til he knows that too many people have died?" Profits before people is the norm these days...please stand up for what is right and deny this project. — ReI15-5

Sincerely,
Vanessa James

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Response to Comment ReI15-1
The County appreciates your comments. This letter is virtually identical with Comment Letter ReI10a, submitted by Victor Gonzalez. Please refer to Response to Comment ReI10a-1 regarding Project area roads and evacuation congestion.

Response to Comment ReI15-2
Please refer to Response to Comment ReI10a-2 regarding wildfire potential and to Global Response: 2024 Fire / Evacuation regarding tragic loss of a neighbor in 1996.

Response to Comment ReI15-3
Please refer to Response to Comment ReI2-3 regarding Project review and compliance with critical fire safety standards.

Response to Comment ReI15-4
Comments noted. It is not possible for commitments to be made that conditions will never change within a planning area. Please refer to Response to Comment ReI2-4 for discussion. Please also refer to Response to Comment ReI2-4 regarding the Camp Fire and the vastly dissimilar conditions from the Project area.

Response to Comment ReI15-5
Opposition to the Project is noted, is part of the administrative record, and will be before decision makers during consideration of the Project. Please refer to Global Response: 2024 Fire / Evacuation, which details why no new fire analysis is required, and Responses to Comments ReI2-3 and ReI10a-2 relative to secondary egress.

COMMENTS	RESPONSES
Comment Letter ReI16a **From:** Natasha Kay <orangemoth13@gmail.com> **Sent:** Monday, August 26, 2024 1:53 PM **To:** Lorenzana, Bianca **Subject:** [External] Harmony Grove Village South Ms. Lorenzana, I live on the other side of the creek from the proposed HGV South. I wrote in on the initial proposal and I am commenting again here. We will try to be there 9/12/24 at 7pm. ReI16a-1 If we are unable to make it, I can speak for myself and my family and neighbors that all vehemently oppose this project. The effect on the water, air, and traffic will be horrendous, not to mention the insane harm to the local flora and fauna here. The wild fire issue is also of major concern. ReI16a-2, ReI16a-3 During the Cocos fire, this whole area became a death trap. All the people in the proposed HGV South would also be trapped. ReI16a-4 For all the reasons listed above and countless others, I'd sincerely ask that you reconsider and oppose this going through. We will be voting (in a few months) for the person(s) who sees this (along with the retired fire chief) for the horrible disaster that this would be. ReI16a-5 Natasha Kay (and family) 9237 Harmony Grove Rd. -- Thank you, Natasha Kay 1	**Response to Comment ReI16a-1** The County appreciates your comments. These first comments do not pertain to adequacy of the Project environmental analyses and do not require response. **Response to Comment ReI16a-2** Opposition to the Project is noted, is part of the administrative record, and will be before decision makers during consideration of the Project. **Response to Comment ReI16a-3** The following comments relate to issues outside the scope of recirculation. For description of the scope of recirculation pursuant to CEQA Guidelines Section 15088.5(c), please see the Recirculation Readers Guide, dated August 22, 2024. While the comment does not address issues in this RFEIR, or make specific comments for which specific responses can be provided, the FEIR analyzes potential effects to the resources of concern. Please see EIR Subchapters 2.2, Transportation/Traffic, 2.3, Biological Resources, 2.6, Air Quality, and Sections 3.1.3, Hazards and Hazardous Materials, and 3.1.4, Hydrology/Water Quality, respectively, for discussion of relevant topics, along with topical assessment of impacts and identified mitigation as appropriate. Please also refer to Responses to Comments ReI1-4 and -6 for more on wildfire. **Response to Comment ReI16a-4** Comments noted. The County disagrees that the area became a "death trap" during the Cocos Fire, or that residents of HGV South would be "trapped." No lives were lost during evacuation during the Cocos Fire, and – as a first and most critical priority – that constitutes a successful evacuation. Please refer to Response to Comment ReI1-1 for Appellate Court conclusions regarding Project fire and evacuation safety analyses, in addition to 2018 Global Responses: Fire Hazards Impact Analysis, and Adequacy of Emergency Evacuation and Access regarding Project planning relative to fire and emergency exits. Please also refer to Global Responses: 2024 Fire / Evacuation, as well as, more generally, Res Judicata and New Information.

COMMENTS	RESPONSES
	Response to Comment RelI6a-5 Comments noted. Please refer to Responses to Comments ReI16a-2 and -4 of this letter.

COMMENTS	RESPONSES

Comment Letter ReI16b

From: Natasha Kay <orangemoth13@gmail.com>
Sent: Monday, October 7, 2024 12:49 PM
To: Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; Elfin Forest Harmony Grove Town Council; Lorenzana, Bianca; Montagne, Sarah; DMcQuead, Dave
Subject: [External] Harmony Grove South

I live directly on the other side of the creek from the proposed site. I have been here since 2009 and barely survived the Cocos fire. ReI16b-1

This project should absolutely not go through for a hundred reasons. One is that this is (or was until HGV) a rural area home to many protected wild animals. Two, the wildfire danger is obvious, this area is a death trap during fire. Three, traffic, air, water, and noise problems. We have a dark sky policy here and this will absolutely destroy our air, water, and cause the traffic to triple or worse. ReI16b-2 ReI16b-3 ReI16b-4

By not approving this project you can pull back a bit of hope and credibility that you're not ALL corrupt and in the pocket of the developers. ReI16b-5

On behalf of my family and myself, thank you
Natasha Kay

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Response to Comment ReI16b-1

The County appreciates your comments. They do not pertain to adequacy of the Project environmental analyses and do not require response.

Response to Comment ReI16b-2

Please refer to Response to Comment ReI16a-2 regarding Project opposition.

Response to Comment ReI16b-3

The analysis of potential impacts to protected wild animals is detailed in 2018 FEIR Subchapter 2.3, Biological Resources. As it pertains to wildfire, please refer to Responses to Comments ReI16a-3 and -4. Please refer to Responses to Comments ReI16a-4 regarding the area being a deathtrap during fire events and ReI1-1 for Appellate Court conclusions regarding Project fire and evacuation safety analyses.

Response to Comment ReI16b-4

A number of items are generally identified in this comment, but the lack of specificity makes it difficult to provide specific responses. Please refer to Response to Comment ReI16a-3 regarding locations of discussion on traffic, air, and water. Please see 2018 FEIR Subchapter 2.5, Noise, for discussion of relevant issues. FEIR Subchapter 2.1, Aesthetics, from 2018 also provides information regarding Project lighting, which would adhere to the County's dark sky ordinance.

Response to Comment ReI16b-5

Comments noted. Please refer to Responses to Comments ReI16b-1 and -2 of this letter.

COMMENTS	RESPONSES

Comment Letter ReI17

From: Andy Laderman <andyladerman@gmail.com>
Sent: Friday, October 4, 2024 6:48 AM
To: Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; efhgtc@gmail.com; Lorenzana, Bianca; Montagne, Sarah; DMcQuead, Dave
Subject: [External] Please say no HGV South and to sprawl in wildfire prone areas.

Chairperson Vargas and Supervisors,

Thanks for the chance to share my thoughts on the HGV South project. This location is simply not suitable for it. It's a rural canyon, surrounded by conservation land that taxpayers have generously funded. This includes thousands of acres across Del Dios Highlands, Elfin Forest Recreational Reserve, and numerous adjacent Escondido Creek Conservancy parcels. In fact, the parcel itself is included in the draft MSCP for North County as a "PAMA" pre-approved mitigation area. Coastal sage scrub habitat is highly sought after for mitigation due to its rarity and rapid decline. ReI17-1

Placing a 453-home project in this canyon would have severe consequences. It would disrupt habitat connectivity, increase driving (as a car-centric, sprawl project will generate higher vehicle miles traveled), and perpetuate the detrimental legacy of San Diego's suburban sprawl. ReI17-2

Instead, we should encourage more infill and density in downtown areas where existing infrastructure is already in place. The lack of proximity to public transportation will make these homes even more economically burdensome for households, as they will likely require multiple vehicles to commute.

However, the most critical issue is that this project blatantly violates all the principles of planning. It poses a high risk of wildfires, lacks adequate transit options, is not walkable, contributes significantly to greenhouse gas emissions, generates high vehicle miles traveled, and includes high-end market-rate homes. Moreover, it interferes with the intended wildlife corridor. ReI17-3

I urge you to vote no on this project. Let the conservationists purchase it and complete the wildlife corridor it was meant to establish. ReI17-4

Respectfully,

Sent from my iPhone

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Response to Comment ReI17-1
The County appreciates your comments. This letter has some editorial variation in word choice, but in terms of comment substance is virtually identical with Comment Letter ReI3, submitted by April Bevins Cooper. Please refer to Response to Comment ReI3-1 regarding surrounding open space, PAMA lands, and habitat connectivity.

Response to Comment ReI17-2
Please refer to Response to Comment ReI3-2 regarding VMT, infill, and sprawl.

Response to Comment ReI17-3
Please refer to Response to Comment ReI3-3 regarding principles (precepts) of planning.

Response to Comment ReI17-4
Opposition to the Project is noted, is part of the administrative record, and will be before decision makers during consideration of the Project. Refer to Response to Comment ReI3-1 related to wildlife corridors and to Response to Comment ReI3-4 regarding conservationist purchase of the Project site.

COMMENTS	RESPONSES
Comment Letter ReI18 **From:** Phyllis Laderman <pjladerman@cox.net> **Sent:** Saturday, October 5, 2024 3:53 PM **To:** Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; efhgtc@gmail.com; Lorenzana, Bianca; Montagne, Sarah; DMcQuead, Dave **Subject:** [External] Harmony Grove Village South Honorable Supervisors: My name is Phyllis Laderman and I live in Eden Valley, less than a mile from the proposed Harmony Grove Village South. We have already experienced a massive increase in the amount of traffic on our rural 2 lane road from the Harmony Grove Village development and will have 243 additional homes with the Valiano development. So adding another 453 homes in another development will overtax our roads and make it impossible to evacuate safely when the next fire hits. ReI18-1 The proposed development will definitely add to green house emissions as this proposed site is nowhere near any mass transit and people will be siting in traffic, adding to the already considerable air pollution. ReI18-2 Please redirect new housing to be located in infill areas near mass transit and stop runaway development in the high fire risk areas. ReI18-3 Thank you, Phyllis Laderman Sent from my iPad 1	**Response to Comment ReI18-1** The County appreciates your comments. This comment is beyond the scope of the recirculation; please refer to the Readers Guide circulated with the 2024 recirculation from August 22 to October 7, for EIR topics for which comments would be accepted. The Traffic/Transportation analysis was found adequate by the Court of Appeal during CEQA challenge to the Project, and no re-review is necessary. Please refer to discussion of traffic in the 2018 FEIR, however, for information regarding Project technical analyses. To your point, the HGV Project was included as if fully built and operational, during HGV South technical analyses. Mitigation was proposed for both Project direct, as well as cumulative, significant impacts which would have to be implemented if the Project is approved. Please refer to Global Response: Res Judicata and New Information. Regarding evacuation safety, please refer generally to Global Responses: 2024 Fire / Evacuation and Res Judicata and New Information, as well as Response to Comment ReI1-1 for Appellate Court conclusions regarding Project fire and evacuation safety analyses. **Response to Comment ReI18-2** Greenhouse gas emissions comprise the primary topic evaluated in the 2024 recirculation. Please refer to 2024 recirculated Subchapter 2.7, Greenhouse Gas Emissions, for full discussion. The Project would result in net zero increase over existing conditions in terms of energy needed based on Project design features and mitigation specified in M-GHG-1. Regarding air quality, although a significant impact was identified that would require the County to provide an updated housing projection to SANDAG as mitigation, the Project was found to have less than significant emissions of criteria pollutants. Please refer to Response to Comment ReI18-1 regarding topics found adequate by the Court and res judicata. **Response to Comment ReI18-3** Comments noted. Although mass transit is not available at this time in the Harmony Grove area, the Project is located immediately adjacent to an existing County Village and close to City of Escondido boundaries. The Project's location does not constitute runaway development in a high fire risk area, but

COMMENTS	RESPONSES
	has been subject to rigorous evaluation relative to fire risk and land use planning consistency. Refer to Global Responses: 2024 Fire / Evacuation and Res Judicata and New Information.

COMMENTS	RESPONSES

Comment Letter ReI19

From: Lael Montgomery <laelmontgomery@aol.com>
Sent: Monday, October 7, 2024 11:21 AM
To: Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; efhgtc@gmail.com; Lorenzana, Bianca; Montagne, Sarah; DMcQuead, Dave
Subject: [External] Deny Harmony Grove Village South

Honorable Supervisors and Fire District:

Having lived through the terrifying San Diego Wildfires of 2003 and 2007, the destruction of thousands of properties, and the tragic deaths of several residents of Valley Center, we are writing to you with frightening first-hand experience that creates our deep concern about the HGVS project and its impact on our community's safety. The roads in Elfin Forest, Harmony Grove, and Eden Valley are already precarious—narrow, winding two-lane roads lined with dense vegetation and chaparral. While this landscape may be scenic, it's a severe fire hazard. Adding the traffic from HGVS would make evacuation during a wildfire practically impossible. ReI19-1

It's alarming to think that, with this project there will be SIX TIMES as many vehicles as evacuated during the Cocos Fire. That fire brought the Harmony Grove evacuation system to its knees, and that was with far fewer vehicles than we'd have now. People were stuck in standstill traffic on both ends of the valley, with some barely making it out before the fire reached their neighborhoods. With so many more cars on the road, I fear the consequences of the next fire will be far worse. ReI19-2

We've already lost so much to wildfires—hundreds of homes over the years, and tragically in this area, a neighbor, David Hammond, who couldn't escape in time. Since the 1980s, it feels like we've been on a wildfire cycle, with a major event on average every few years. CalFire has classified our area as one of the most fire-prone in the state, and it's hard to comprehend how this project could move forward without adequate fire safety measures in place, such as a secondary evacuation route. ReI19-3

The County and Fire District's support for this project, despite it waiving critical fire safety standards, is a betrayal. We've been told before that certain projects would be the last big development, but approving HGVS would push us over the edge. It risks turning the Harmony Grove community into the next Camp Fire tragedy, where evacuating isn't even an option because of the overwhelming number of vehicles and insufficient infrastructure. ReI19-4 ReI19-5

Please, we urge you to vote no on this dangerous project, or at the very least require a thorough new fire safety analysis and demand a secondary egress. Our lives depend on it. ReI19-6

Sincerely,

Lael Montgomery and Jonathan Vick
Valley Center Wildfire Veterans

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Response to Comment ReI19-1
The County appreciates your comments. These first comments are noted. They do not pertain to adequacy of Project environmental evaluations and do not require a response.

Response to Comment ReI19-2
The remaining portions of this letter are virtually identical with Comment Letter ReI10a, submitted by Victor Gonzalez. Please refer to Response to Comment ReI10a-1 regarding Project area roads and evacuation congestion.

Response to Comment ReI19-3
Please refer to Response to Comment ReI10a-2 regarding wildfire potential and to Global Response: 2024 Fire / Evacuation regarding tragic loss of a neighbor in 1996.

Response to Comment ReI19-4
Please refer to Responses to Comments ReI2-3 and ReI10a-2 regarding lack of waiver of critical fire requirements, Project review, and compliance with critical fire safety standards.

Response to Comment ReI19-5
Please refer to Response to Comment ReI10a-4 regarding County planning and differences of the Project area from the location of the tragic Camp Fire.

Response to Comment ReI19-6
Please refer to Response to Comment ReI10a-5 regarding lack of need for new review of fire safety issues analysis and secondary egress. Opposition to the Project is noted, is part of the administrative record, and will be before decision makers during consideration of the Project.

COMMENTS	RESPONSES

Comment Letter ReI20

From: Neubauer, Eric <eric.neubauer@sduhsd.net>
Sent: Monday, October 7, 2024 11:55 AM
To: Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; Elfin Forest Harmony Grove Town Council; Lorenzana, Blanca
Subject: [External] Unsafe HGVS Development

As a resident in the area the fact that this development is being considered to move forward is absurd. Approval must be cancelled until better public safety plans and evacuation routes can be addressed. ReI20-1

I watched the fire in 2014 burn my next door neighbors house and many homes in the spiritualist camp and the evacuation for me, the strike crew and the remaining large animals in the neighborhood was almost impossible then! Here is a link to a picture I took as the fire approached my house (my roof is in the foreground): https://photos.app.goo.gl/Z4SYJhXyaFpXFhx49 ReI20-2

Adding this development far down a one-exit road adding somewhere in the number of 1500 cars is absolutely putting all of us current residents in harm's way, let alone proposed residents of this development. Even at its first proposal of ~225 homes it is still unbelievably dangerous and negligent to only have one exit in case of a fire. It is rare for a fire safety exemption to be given, and the reason should be obvious. Many of us have lived through multiple fires across this very area and adding people to the area increases the risk significantly. Referencing the Cocos Fire that burned so much in this area in 2014, it was started by a teenager with a lighter in their backyard on a Santa Ana day. ReI20-3 ReI20-4

No where in any of the HGVS fire plan or study does it practically mention street parking. Most if not all of these high-density developments in the RSF Fire District have a large number of resident cars that are forced to park outside the development on the street due to more cars per house than the developer practically plans for. There are several similar developments around the Santa Luz, Fairbanks, and Crosby areas that have many cars parked on the street during all hours of the day and night. This poses another significant public safety risk as it continues to narrow the already slim evacuation route and is important for all to consider. ReI205

For the RSF Fire and the BOS to ignore fire safety and evacuation requirements feels as though safety was never really considered in this developers plan. I know the RSF Fire Department has to deal with working in as an underfunded agency and the blatant disregard for public safety with this development is obvious as it was stated early on that the original 225 roofs weren't enough to support the fire services at which time the developer came back with 450 total. All that is needed is to rescind the developments fire safety approval until they can develop a secondary evacuation route or reduce the number of units to the 40-60 that the area is zoned for and safe to develop. ReI20-6 ReI20-7

Thank you so much for your time and I look forward to hearing that both RSF Fire and the Board of Supervisors have cancelled the permission to build this project. ReI20-8

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Response to Comment ReI20-1

The County appreciates your comments. Anticipated opposition is noted, is part of the administrative record, and will be before the decision makers during consideration of the Project. Please note that review of Project safety and evacuation routing has been extensive. Refer to Responses to Comments ReI1-2 and -3 for discussion, as well as to ReI1-1 for Appellate Court conclusions regarding Project fire and evacuation safety analyses.

Response to Comment ReI20-2

Comments noted. The photograph cited in the comment has been pulled from the link and is included for reference as "ReI20-2 cont." at the end of the letter. The photograph and these comments do not address adequacy of evaluation in the 2018 FEIR or 2024 recirculation, and do not require additional response. Please refer to "Local Technical Professionals' Consensus on Congestion During Evacuation" discussion in Global Response: 2024 Fire / Evacuation as well as Global Response: Res Judicata and New Information.

Response to Comment ReI20-3

The County disagrees that approval of Project design would be negligent. Please refer to Responses to Comments ReI1-5 and -6 for discussion.

Response to Comment ReI20-4

Please refer to Global Response: 2024 Fire / Evacuation, which includes discussion of the Project's fire protection features that also provide fire prevention against ignitions moving off site. The Cocos fire was started in the backyard of a home that was not subject to HOA-maintained fuel modification zones and fire protection features provided for master planned communities like HGV South. Additionally, there were fewer neighbors to notice the teenager than there would be in the Project. Detection of fire on the Project site would be expected to occur quickly given proposed site density, response from the nearby fire station would be within three minutes travel time, and fire attack would be begun more quickly with high likelihood of suppression (90 percent of wildfires are contained at fewer than 10 acres).

COMMENTS	RESPONSES
Comment Letter Rel20 Eric Neubauer CTE District Dept. Chair Automotive Technology Torrey Pines High School eric.neubauer@sduhsd.net MiraCosta College eneubauer@miracosta.edu Rel20-2 cont. 2	**Response to Comment Rel20-5** This statement is inaccurate relative to the Project. Specifically regarding narrowing of roads that must be open to emergency response vehicles with large turn radii, the Project has over-planned for parking so that residents and guests do not block roadways in areas that should be clear. A number of Project design features specifically address parking requirements in 2018 FEIR Section 3.1.3, *Hazards and Hazardous Materials*, and Table 1-2, *Project Design Features*, but the following focused text is cited on page 3.1.3-35 (emphasis added): *Through provision of seven times more parking spaces than are required under the County's Zoning Code (434 guest spaces provided, 52 guest spaces required), and implementing the Parking Management Plan, the Project would eliminate the potential for roadway obstructions. The Project has been planned to far exceed the available resident and guest parking standards in order to maintain the Project roads as unobstructed travel lanes so that emergency response vehicles are not hindered during responses. A parking management plan would designate Center House parking area as valet/shuttle staging area for all homeowners' events exceeding 10 guests. Homeowners would obtain parking permits for use of guest parking overnight. "No Parking" signs would be installed on designated streets. A contract with a towing company would be maintained so that illegally parked vehicles would be towed within a short period of time.* **Response to Comment Rel20-6** Safety and evacuation requirements received robust review, including from the RSFFPD. Please refer to Responses to Comments ReI1-1, -2, -3, -5, and -6, as noted above. Regarding RSFPPD funding, please refer to Response to Comment ReI4a-8. **Response to Comment Rel20-7** The Project is not currently approved, so recission of approval is not necessary. Nonetheless, the County finds that detailed evaluation and review by fire

COMMENTS	RESPONSES
	professionals responsible for emergency response support safety of the Project as designed. Please refer to 2018 Global Responses: Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access, as well as 2024 Fire / Evacuation. Please see responses to comments above, as well as Global Response: Res Judicata and New Information. Please note that as stated throughout the 2018 FEIR, prior to consideration of environmental constraints, the Project site is currently zoned for up to 220 lots, not the comment-stated 40 to 60. The number of Proposed Project structures (as opposed to units due to multi-family uses) is similar to the 220 number. **Response to Comment ReI20-8** Comment noted. Please refer to Response to Comment ReI20-1.

COMMENTS	RESPONSES

Comment Letter ReI21

October 6, 2024

Planning & Developments Services,
5510 Overland Avenue, Suite 210,
San Diego, CA 92123

ATTN: Bianca Lorenzana

Reference: PDS2015-GPA-15-002, PDS2015-SP-15-002, PDS2015-REZ-15-003, PDS2018-TM-5626, PDS2015-MUP-15-008, PDS2015-ER-15-08-006

Thank you for the opportunity to submit comments on the Revised Environmental Impact Report for the proposed Harmony Grove Village South (HGVS). ReI21-1

I was sorry to see this development coming back despite having the San Diego County Board of Supervisors rescind the approval on December 14, 2022. While it is clear that housing is definitely needed in San Diego County, especially affordable housing, HGVS goes against what is needed. It is a large sprawl development in the Wildland Urban Interface, which increases Greenhouse Gases, exposes current residents as well as future residence to entrapment risks in a wildfire, and does not conform to the County General Plan or the California plan to cut greenhouse gases. ReI21-2

Before you dismiss our concerns as simply NIMBYism, I would like to point out that our community worked with New Urban West to come up with an acceptable plan for Harmony Grove Village that would allow for 750 new homes while preserving the rural character of Harmony Grove. In addition, we settled with Integral Communities on their plan for Valiano in the Eden Valley area by coming to an agreement on slightly less homes and an additional evacuation road for emergencies. ReI21-3

M-GHG-1

The Appeals Court found that the Final EIR was inadequate in remediating the additional Greenhouse Gases that the HGVS development will emit. This revised EIR was designed to mitigate those increased gases in order to help the state meet its' goals to reduce greenhouse gases. ReI21-4

The Revised EIR offers an interesting plan to mitigate emissions through using solar panels placed on an industrial building of their choosing. They will offer up a one-time payment of $300,000 to be used by the HOA for repairs of the solar panels. The developer planned for the solar panels to be maintained for 30 years. There are a few things about this plan that seem unworkable: ReI21-5

1. Will this building be chosen and a contract with the building owner be entered into prior to breaking ground on HGVS? ReI21-6
2. Will the solar panels be installed prior to the build out of HGVS?

Response to Comment ReI21-1

The County appreciates your comments. These first comments are noted. They do not pertain to adequacy of the environmental analyses and do not require response.

Response to Comment ReI21-2

As noted in the comment, the County faces an urgent need for housing and the Project would provide a part of required housing. The comment states that the Project is a "sprawl development," and that it does not conform to the General Plan. Please refer to Response to Comment ReI3-2 for discussion of why the Project would not constitute "sprawl." In fact, the Project has a clustered development footprint (approximately 36 acres within the Proposed Project would support development structures or streets as stated on 2018 FEIR page 2.1-28) accommodating 453 residential units, and would tie directly into the existing Harmony Grove Village. Relative to General Plan residential planning consistency, the Project does propose an Amendment to the County's General Plan land use map. It is, however, consistent with the objectives and policies of the General Plan. Please refer to 2018 Global Responses: Project Consistency with General Plan Policy LU-1.4 and General Plan/Community Plan Amendments CEQA Impact Analysis for additional discussion of the Project's consistency with the General Plan and its relationship to the Project environmental analyses. Please refer to responses to Comment Letter ReI1 for discussion of fire safety, evacuation potential, etc., and specifically for Appellate Court decision regarding adequacy of 2018 FEIR discussion on this issue Finally, the County disagrees that the Project would result in entrapment risks for both existing and Project residents in event of wildfire. Relative to greenhouse gases (GHG), the comment incorrectly states the Project would increase GHG emissions or not conform to California plans to cut GHG emissions (refer to Response to Comment ReO6a-28 regarding the latter). The Project, through design and with identified mitigation, would result in no net increase in GHG emissions (see 2024 recirculated Subchapter 2.7, incorporated into this 2025 FEIR, for details of analysis).

COMMENTS	RESPONSES
	Response to Comment Rel21-3 Comments noted. They do not pertain to adequacy of the environmental analysis presented in the HGV South environmental documents and do not require response. **Response to Comment Rel21-4** To clarify the Court of Appeal findings, it is noted that the Court found 2018 mitigation measure inadequacy specifically related to ability of the PDS Director to make decisions without a cited rigorous standard, the lack of a guarantee for mitigation to occur within the County, and questions regarding credit registry legitimacy. The 2024 proposed mitigation measure revisions eliminate use of credits for mitigation (removing PDS director involvement and questions as to registry legitimacy, and requires mitigation to occur within the County). It also retains the goal to attain net zero for GHG emissions impacts based on proposed PDFs and mitigation, which the Court of Appeal found to be an appropriate threshold. **Response to Comment Rel21-5** The comment summarizes information about M-GHG-1 and introduces concerns listed in the following comments, where specific responses are provided. **Response to Comment Rel21-6** The 2024 recirculated Subchapter 2.7 specifies the following timing for implementation of mitigation measure M-GHG-1: "Mitigation measure M-GHG-1 (a, b, c, and d) shall be implemented prior to the issuance of the first grading permit." In accordance with this timing requirement, the building for solar panel installation will be selected, a Covenant will be entered into with the building/property owner, and the solar panels will be installed before issuance of a grading permit for the initiation of HGV South construction.

COMMENTS	RESPONSES

Comment Letter ReI21

3. It seems like the HOA will be responsible for the maintenance, inspections, monitoring, repair or replacement of the solar panels for 30 years. Will this be disclosed to the homeowners prior to purchasing the houses. It seems like an unusual burden on the HOA. ReI21-7
4. Can the HOA vote to not be responsible for the solar panels on this outside building?
5. The plan is the property owner will maintain an insurance policy for the solar panels. Why wouldn't the developer maintain the insurance policy? How will this be enforced? ReI21-8
6. "If the identified building is vacated or abandoned, or the building is demolished before the 30-year period, the property owner shall be required to install an equivalent unit (and provide insurance for the same) on one or more existing buildings that meet the same criteria identified in a): within the County, that would generate an equivalent amount of solar power for the remaining term of the 30-year period." How will this be enforced? What if the owner goes bankrupt, who will be responsible for the solar panels if they need to be moved to another building? ReI21-9
7. What happens if the solar panel wattage is reduced over time below the level needed to mitigate the greenhouse gases from HGVS? Can the HOA vote to not do the maintenance? ReI21-10
8. Why a set term of 30 years? Won't the development continue to generate greenhouse gases in perpetuity? ReI21-11

It seems like the developer is making other people responsible for the greenhouse gases being generated by his development. Also, who is going to do the follow through year after year on whether the HOA is doing the monitoring, maintenance and repair on the solar panels. ReI21-12

The County wasn't able to make New Urban West follow through on the community spaces that were supposed to be developed as part of the Harmony Grove Village (HGV) planned community. We met with a representative of the Planning Department to discuss the portions of the HGV which had not been completed despite the homes being sold and occupied. The Equestrian Park, the Community Center, and the Retail Space were never completed despite being in the EIR. We were told that the County could not make them build those portions even though they were in the approved plan. This demonstrates that the County either can't or won't keep a developer to the approved plan. There is no reason to believe that this new mitigation of the greenhouse gases will have any follow through. The greenhouse gas mitigation plan is inadequate for this reason. ReI21-13 ReI21-14

Infill to avoid VMT Analysis

The developer is claiming his site is "infill." If HGVS is an infill development, it would not need to perform VMT Analysis. ReI21-15

Response to Comment ReI21-7

In accordance with routine HOA practice and the California Civil Code, the Project Covenants, Conditions, and Restrictions (CC&Rs) will be recorded against the HGV South property if the Project is approved. As such, a copy of the CC&Rs would be provided to each home buyer prior to purchase. Such a requirement is not an "unusual burden" on the HOA and actually occurs with each residential development that has CC&Rs. Please also note the redundant nature of monitoring, maintenance and repair required in M-GHG-1. There is both insurance as well as a one-time Applicant-funded $300,000 set-aside in the budget required on day one, both of which could be used to defray expenses. Please also refer to Response to Comment ReI21-8, immediately below.

Response to Comment ReI21-8

If the Project is approved, the developer will develop the Project and implement mitigation, and then no longer be a fiscal partner in the Project. Unlike the County, property owner, HOA, or members thereof, the developer may not be local or available following Project completion. As the primary beneficiary, as back-up to the HOA and County's obligations to ensure that the system is operational and producing, the property owner of the mitigation parcel also would be required to maintain a policy of insurance to cover the repair or replacement of the solar system, as noted in the comment. This is fitting, because it is the property owner who benefits from the presence of the solar panels on that owner's property (e.g., lowered electrical bills, greater energy dependability) and the system is being installed at no cost to that owner. The surety of the mitigation function has redundant requirements for insurance, however, as the property owner's insurance policy also will name the HOA and County as additional insureds so that payment is ensured. Similarly, the Covenant shall also require the property owner to maintain and/or replace such panels as necessary if the HOA/County does not complete the repair work. The multiple insurance policies and obligations spelled out in the mitigation measure ensure that the maintenance will occur (be enforced).

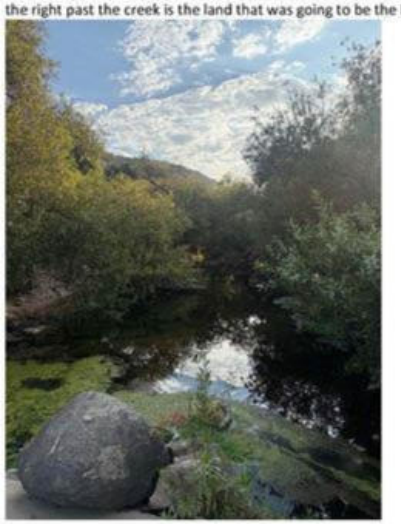
Response to Comment ReI21-9

As noted in M-GHG-1 clause b(v):

COMMENTS	RESPONSES
	…The property owner shall be required to record a Covenant with the same provisions against the property upon which the new building with the replacement solar unit is located, for the remaining term of the 30-year period and notify the HOA and the County of the same, prior to the vacation, abandonment, or demolition of the existing building… The HOA, and, as the ultimately responsible agency for ensuring adequacy and implementation of mitigation, the County (the agency responsible for business permitting within its jurisdiction), would be responsible for enforcement. If the initial property owner goes bankrupt, that potentiality is addressed under clause b(vi), wherein "any new purchaser of the property shall notify the HOA and County that it has acquired the site and acknowledge its obligations under the Covenant, including allowing access for solar panels maintenance for the duration of the 30-year term." **Response to Comment Rel21-10** The solar panel wattage is not expected to reduce over time. The routine and yearly monitoring and maintenance (including replacement of panels or system parts as necessary) would ensure that output remains adequate to achieve mitigation requirements. As stated in M- GHG-1 Clause e(5), the only way HOA obligations can be modified is as follows: *Any revisions to the above-described provisions of the CC&Rs shall be approved by the County, require the consent of 100 percent of the holders of first mortgages or the property owners within the HOA, and require the HOA to retain the same amount of funds set aside by this mitigation measure for the same purposes for the 30-year period.* This means that: (1) the HOA would still need to fund mitigation (which would render elimination of the maintenance meaningless in terms of money set aside), and (2) the County would have had to agree to such a change. In other words, the County would have to be equally comfortable with mandatory enforcement as per the original wording.

COMMENTS	RESPONSES
	Response to Comment Rel21-11 As stated on 2024 Subchapter 2.7 page 2.7-29, "The 'Project life' of 30 years is consistent with the methodology used by the South Coast Air Quality Management District's GHG guidance (SCAQMD 2008)." **Response to Comment Rel21-12** The mitigation measure approved by the County ensures that the individuals who benefit from the Project (residents, off-site property owner, and ultimately the County) are responsible for mitigation following initial set up and funding by the Project Applicant. "Follow through" is the responsibility of the County should the HOA falter. This is normal and appropriate as the County is the lead agency under CEQA responsible for enforcement of mitigation measures. **Response to Comment Rel21-13** The fact that current HGV development is inconsistent with the approved plan may relate to that element simply not yet being built. Unless a plan is revised and goes through an amendment approval process, only the approved designated uses can be built. **Response to Comment Rel21-14** The County does not find the mitigation measure unenforceable, nor is it inadequate. To the contrary, the mitigation measure is replete with redundant measures and multiple safeguards to ensure that mitigation will be enforced. Please refer to Responses to Comments -6 through -13 of this letter. **Response to Comment Rel21-15** The comment states that the Proposed Project is "claiming" to be an infill site, but that if it were, the Project would not need to perform a VMT analysis. As stated in Response to Comment ReO1-5, the Project is not required to comply with the County's 2022 TSG, including the requirement to prepare a VMT analysis or in this case, an infill analysis. Nevertheless, the Project prepared an Infill Analysis to determine if the Project also met the County's "infill" requirements, as outlined in Section 3.3.1 of the 2022 TSG. Although no longer relevant because of the recent Court of Appeal's VMT decision, the Infill Analysis found that the Project would be consistent with the County's infill requirements. But to be clear, the Project is not relying on an exemption from

COMMENTS	RESPONSES
Comment Letter Rel21 Let's look at the definition of "infill" that comes from a Memorandum to the staff of San Diego County from October 29, 2021[1] A definition for Infill is also codified in California's Public Resources Code (PRC) §21061.3: "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. If we look at the site for HGVS, **(a)** is true. The site has not been developed for urban uses. It is currently unused open space. **(1)** is not true. The site is not adjacent to any development, it is adjacent to the Escondido Creek, which is between the HGVS site and Harmony Grove Road. The land around the Escondido Creek which is adjacent to the HGVS site is owned by The Escondido Creek Conservancy. North of the Creek is Harmony Grove Road and north of that is the sewer treatment facility for HGV. To the west of HGVS is land that was supposed to be developed by New Urban West as an Equestrian Park as part of the HGV development. Unfortunately, the County was unable to require New Urban West to complete this part of the development so the land was sold to a private individual who currently has it up for sale. It remains undeveloped. East of the HGVS property are a few private rural homes of an acre or more. South of the HGVS development is the Del Dios Highland Preserve, a 774-acre open space. **(2)** is true. No portion of the HGVS has been developed. **(b)** is not true. The HGVS site has not been previously developed for urban uses. Rel21-16 It is disingenuous for anyone to say this site is "infill." Look at some photographic views of the area to see that this is clearly a rural area that would be considered urban sprawl if it was developed. These photos were taken on 10/3/24 from the portion of the HGVS site that would be closest to developed land at HGV but to consider it adjacent, you would have to ignore that the Escondido Creek is between HGVS and any development and, ignoring that, at best, the HGVS site may have 10% of its land adjacent to developed land. The other thing to notice that demonstrates this land is not infill are the overhead lines. We have overhead telephone and powerlines. Because we are rural, our power gets shut off if it gets too windy in order to prevent a fire from downed power lines. We also are all on septic. There are no sewer pipes which is why HGV has a sewer station and HGVS will have to build a sewer station on the south side of the Escondido Creek. We also have no cable for internet or tv. Rel21-17 [1]Memorandum. *Infill Areas in Unincorporated San Diego County*. October 29, 2021. From: Katy Cole, Andrew Scher, Jon Stanton. To: Jacob Armstron and Damon Davis, County of San Diego.	the TSG based on the Infill Analysis and the Project's election to prepare an Infill Analysis does not change the fact that the Project is not required to prepare a VMT analysis. Please refer to Responses to Comments ReO1-5 and ReI3-2 for discussion, as well as to Global Response: Res Judicata and New Information. **Response to Comment Rel21-16** Please refer to Response to Comment Re121-15, immediately above. The comment is correct that the Project Infill Analysis is not based on consistency with the California Public Resources Code's (PRC's) definition of infill. Refer to Responses to Comments ReO1-5 and ReI3-2, cited in ReI21-15. **Response to Comment Rel21-17** The comment provides a description of the Project site and pictures of the Project site and surroundings, consistent with description in the 2018 FEIR. Although no longer relevant, it is noted that the imagery and description of the Project setting do not pertain to the specific criteria for identifying infill areas according to the TSG. The comment also notes that surrounding residences have overhead power and telephone lines, and rely on septic systems. Again, although not relevant, these factors also were not considered in the County's criteria for identifying infill areas according to the TSG. As such, the comment does not pertain to adequacy of the Infill Analysis/2025 recirculation or 2018 FEIR. As points of information, however, it is noted that HGV South is actually directly across Country Club Drive (CCD) south of Escondido Creek from a HGV planning area (approved as the Equestrian Ranch) which is still subject to development. The Project is required to place current overhead lines along CCD within Project impact footprint underground as part of CCD improvement, thereby potentially improving (minimizing) some line susceptibility to wind. Regarding sewer, the 2018 FEIR did provide several options for sewage treatment; including building a treatment plant on site, tying into the HGV wastewater reclamation facility (WRF), or a combination of the two. Although it is uncertain what a potential new approval may include, the 2018 approval assumed tying into the HGV WRF, which also indicates the immediate proximity of the two projects.

COMMENTS	RESPONSES
Comment Letter Rel21 Looking from Harmony Grove Road towards the Escondido Creek. Past the creek on the left side of the road is the HGVS site. On the right past the creek is the land that was going to be the Equestrian Park.  Looking east on the Escondido Creek property. Rel21-17 cont.	

COMMENTS	RESPONSES
Comment Letter Rel21 Looking west on the Escondido Creek. Rel21-17 cont.	

COMMENTS	RESPONSES
Comment Letter Rel21 Standing on the North-East corner of the HGVS site and looking North-East you can just see the closest portion of HGV which is past the Escondido Creek and across Harmony Grove Road. Rel21-17 cont.	

COMMENTS	RESPONSES
Comment Letter Rel21 Looking south on the HGVS site from the North edge of the property. The sewage treatment plant would be near this spot. The houses would be south of this spot. The road is Country Club. This is the one exit out of the area. This is a view of the land designated to be an Equestrian Park. Rel21-17 cont.	

COMMENTS	RESPONSES
Comment Letter ReI21 Some other reasons this development would not be considered infill is its distance to any retail or public transportation. These measurements were taken from the Harmony Grove Village Equestrian Park. This is one of the parks built as part of HGV. It is actually slightly closer to town than the HGVS site, as it is north of the Escondido Creek, but it was the closest developed parcel that could be used by Google Maps. See below: ReI21-18 1. Harmony Grove Equestrian Center to Escondido Transit Center (3.2 mi) 1 hour 11 minutes walking. 2. Harmony Grove Equestrian Center to Nordahl Sprinter Station (2.7 mi) 57 minutes walking. 3. Harmony Grove Equestrian Center to nearest NCTD Bus Stop at Valley Parkway & Claudan Rd. (1.7 mi) 40 minutes walking. 4. Harmony Grove Equestrian Center to Albertson's/CVS Retail Center (2.2 mi) 49 minutes walking. Due to the fact that the HGVS development is NOT infill, VMT analysis should be required prior to even considering approval. ReI21-19 Wildfire Analysis The Elfin Forest Harmony Grove Town Council sued the developer, RCS, and San Diego County for approving the HGVS development despite an inadequate EIR. The argument that was of vital importance to the residents of our community was the risk of entrapment on the single, dead-end road in a wild fire. This was upheld in the San Diego Superior Court but overturned in the Appeal Court. Due to this ruling on Appeal, the developer claims that res judicata means that the fire safety of the development cannot be re-evaluated. However, there is new information that makes it imperative that fire safety should be analyzed again. First, since the Final EIR, CalFire[2] created a new map that changed the HGV and Eden Valley area from Moderate to Very High Fire Severity, which is the severity level of the HGVS as well as the rest of the area surrounding the development site. Additionally, San Diego County adopted a new Hazard Mitigation Plan in 2023[3] which shows San Diegans are facing ever increasing wild fire risk. One other issue that we have learned since the court case, is that the Rancho Santa Fe Fire Protection district was facing a budget deficit when the County approved the development. This meant that the fire district was under financial pressure to go along with the plan in order ReI21-20 ReI21-21 ReI21-22 [2] https://osfm.fire.ca.gov/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones/fire-hazard-severity-zones-maps-2022 Fire Hazard Severity Zones Maps. State Fire Marshal. 2024 State of California. [3] https://www.sandiegocounty.gov/content/dam/sdc/oes/emergency_management/HazMit/2023/MJHMP_SD%20County%20Base%20Plan%202023.pdf Multi-Jurisdictional Hazard Mitigation Plan. San Diego County, CA 2023.	**Response to Comment ReI21-18** The comment notes the opinion that the Project site should not be considered infill because of its distance from specific retail and public transit locations. Please refer to Response to Comment ReI21-15 regarding relevance of the infill analysis and ReI3-2 regarding proximity to commercial, industrial, and medical uses, and Appellant Court acceptance of 2018 Project VMT analysis. The issue of VMT has previously been settled, and additional analysis is not needed. **Response to Comment ReI21-19** The comment states the opinion that the Project site should not be considered infill and the Project should be required to conduct a VMT analysis. Please refer to Response to Comment ReI21-15. Also, to be clear, the Project is not relying on an exemption from the TSG based on the Infill Analysis and the Project's election to prepare an Infill Analysis does not change that the Project is not required to prepare a VMT analysis. **Response to Comment ReI21-20** As described in the comment, the Court of Appeal resolved legal challenges related to the 2018 FEIR's analysis of wildfire impacts, concluding that the 2018 FEIR analysis for fire safety was wholly adequate under CEQA. Please refer to Response to Comment ReI1-1 for Appellate Court conclusions regarding Project fire and evacuation safety analyses. Refer also to Global Responses: Res Judicata and New Information for further discussion of the legal challenge summarized in the comment, and Lack of Need to Recirculate for explanation of why new regulations do not result in the need to recirculate additional portions of the 2018 FEIR. Specific to "new information," please refer to Global Response: 2024 Fire / Evacuation, which addresses consistency with post-approval documents related to wildfire safety and evacuation, and as additionally addressed below. **Response to Comment ReI21-21** The "Fire Hazard Rating at HGV" in Global Response: Res Judicata and New Information addresses changed hazard rating of areas surrounding the Project site and concludes no change to the 2018 FEIR wildfire analysis is needed. As

COMMENTS	RESPONSES
Comment Letter Rel21 to close the deficit. It seems like a conflict of interest given that a waiver was given for the single egress when state fire code requires at least two separate egresses. As far as everyone evacuating on this one road, we are not evacuating to a freeway or multi-lane highway. We all have to evacuate from the two-lane Country Club to the two-lane Harmony Grove. It is approximately 1.3 miles before we can reach Citracado which will be four-lanes (2 in each direction) once the construction on Citracado is complete. These are the same two-lane roads that the people of Elfin Forest, Eden Valley, Harmony Grove and Harmony Grove Village have to evacuate from. The last time the HGVS EIR evaluated the fire safety, HGV was not built. We are also expecting Valiano to start building soon. Because of all these changes, the fire safety plan should be re-evaluated, considering the new regulations, as well as the increase in residents and vehicles which have to evacuate in an emergency. Rel21-22 cont. Rel21-23 Thank you for the opportunity to comment on the revised EIR. Rel21-24 Sincerely, Debra O'Neill 2966 Cordrey Drive Escondido, CA 92029	it relates to the County's Hazard Mitigation Plan, that Plan acknowledges, through the language used, that there is no definitive knowledge on how climate change will impact San Diego County. The cited plan in this comment suggests that if climate change is realized in San Diego County, it could result in higher temperatures and drier fuels that may lead to higher frequency and intensity fires. However, the Hazard Mitigation Plan document proceeds to define the mitigation strategies that will be the focus of the County and all city jurisdictions, which are far less comprehensive than those the Project will implement if approved. The County will focus on vegetation management and chipping programs along with implementation of building codes (see Hazard Mitigation Plan Table 71, page 276). HGV South provides a layered approach that incorporates fuel management through fuel modification zones and site wide landscaping restrictions along with fire hardened buildings, access and water improvements to the area, fast emergency response, and others. Refer also to 2018 Global Responses: Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access. **Response to Comment Rel21-22** Please see the 2018 Global Response: Fire Hazards Impact Analysis regarding the granted modification, which is allowed by the Fire Code and was implemented in complete compliance with Fire Code requirements, as it was deemed to meet the intent of the Fire Code and provide the same level of safety as implementation of the standard code provisions. This was confirmed in Global Response: 2024 Fire / Evacuation, which compares the 2010 and 2024 Code language relative to modifications and demonstrates that the requirements are consistent. Again, refer to Response to Comment ReI1-1 for Appellate Court conclusions regarding Project fire and evacuation safety analyses. Further, the comment alludes to a funding shortfall for the new RSFFPD fire station near the Project site. Please refer to Response to Comment ReI4a-8. **Response to Comment Rel21-23** Please see 2018 Global Responses: Fire Hazards Impact Analysis, Adequacy of Emergency Evacuation and Access, and Global Response: 2024 Fire / Evacuation, as well as the HGV South FPP, Project Evacuation Plan, and

COMMENTS	RESPONSES
	Rohde & Associates Report that describe: (1) the multiple connections to CCD from the HGV South site; (2) the four potential opportunities for evacuation routes from CCD and Harmony Grove Road; (3) the additional evacuation routes that intersect CCD; (4) the multiple roadside refuge opportunities; and (5) the short distance from the area to the urbanized areas of Escondido. The analysis of Project evacuation described in the global responses considers the cumulative projects identified in the comment. As a point of information, please note that although HGV was not built and inhabited during the Cocos Fire, road improvements provided by that project (including HGV Parkway and a bridge connecting that road to Escondido) also were not in place. See also Response to Comment I10a-1. **Response to Comment Rel21-24** Comment noted. It states appreciation for the opportunity to comment and does not pertain to adequacy of the environmental analyses. No response is required.

COMMENTS	RESPONSES

Comment Letter ReI22

From: equexcellence <equexcellence@aol.com>
Sent: Monday, October 7, 2024 1:49 PM
To: Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; JP Theberge; Lorenzana, Bianca; Montagne, Sarah; DMcQuead, Dave
Subject: [External] Don't Gamble with Our Safety: Please reject Harmony Grove Village South

Dear Supervisors and Fire District,

This project doesn't make sense for our community, especially now with everything we've learned over the past few years. Wildfires have become far more intense and frequent, and this year we've already crossed the million-acre mark. CalFire has even reclassified our entire area, including the proposed development, as a Very High Fire Severity Zone. It's clear that our valley is in more danger than ever, and yet this project doesn't account for those growing risks. ReI22-1

Our community has put together a wildfire evacuation plan, and it's clear that any new development would need to incorporate it into their planning. But HGV South seems to completely ignore that. The County's new fire protection guidelines alone should stop this project in its tracks, not to mention the updated guidance from the attorney general that makes a development like this nearly impossible to approve. The fact that the County already rejected Lilac Hills Ranch in Valley Center because of inadequate evacuation routes should be telling. That project had multiple ways out—this one only has one. We can't afford to make the same mistake twice. ReI22-2 ReI22-3 ReI22-4

The recent approval of the Climate Action Plan also makes this project feel even more out of place. It's designed to improve wildfire safety and reduce traffic and vehicle miles traveled, yet HGV South doesn't fit into that vision at all. ReI22-5

To top it all off, I'm hearing that the RSF Fire District is facing budget shortfalls because the last HGV project didn't properly fund the fire station they were required to build. It's hard to understand why we would even consider another risky project when the last one didn't deliver on its promises. Our safety shouldn't be compromised to fix someone else's financial mistakes. ReI22-6

Please do the right thing and vote against this project. The risks are too high for all of us. ReI22-7

Sincerely,

Timmie A. Pollock

Sent from my Verizon, Samsung Galaxy smartphone
Timmie A Pollock, Ph.D., CMPC,Emeritus
equexcellence@aol.com

1

Response to Comment ReI22-1
The County appreciates your comments. This letter is verbatim to that submitted by Travis Cooper in Comment Letter ReI5. Please refer to Response to Comment ReI5-1 regarding wildfires, severity zones, and risk.

Response to Comment ReI22-2
Please refer to Responses to Comments ReI1-1 for Appellate Court decision regarding adequacy of 2018 FEIR discussion on this issue and to ReI5-2 regarding evacuation.

Response to Comment ReI22-3
Please refer to Responses to Comments ReI2-3 regarding Fire Code updates and to ReI4a-4 regarding Attorney General guidance.

Response to Comment ReI22-4
Please refer to Response to Comment ReI5-4 regarding Lilac Ranch and Project evacuation routing.

Response to Comment ReI22-5
Please refer to Response to Comment ReI5-5 regarding the fact that the Project does not rely on the recently approved Climate Action Plan.

Response to Comment ReI22-6
Please refer to Response to Comment ReI5-6 regarding RSFFPD funding.

Response to Comment ReI22-7
Opposition to the Project is noted, is part of the administrative record, and will be before decision makers during consideration of the Project.

COMMENTS	RESPONSES

Comment Letter ReI23

From: Patrick Powers <Pat@vbclinics.com>
Sent: Monday, October 7, 2024 8:54 AM
To: Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; efhgtc@gmail.com; Lorenzana, Bianca; Montagne, Sarah; DMcQuead, Dave
Subject: [External] Don't Gamble with Our Safety: Please reject Harmony Grove Village South

Dear Supervisors and Fire District,

This project doesn't make sense for our community, especially now with everything we've learned over the past few years. Wildfires have become far more intense and frequent, and this year we've already crossed the million-acre mark. CalFire has even reclassified our entire area, including the proposed development, as a Very High Fire Severity Zone. It's clear that our valley is in more danger than ever, and yet this project doesn't account for those growing risks. ReI23-1

Our community has put together a wildfire evacuation plan, and it's clear that any new development would need to incorporate it into their planning. But HGV South seems to completely ignore that. The County's new fire protection guidelines alone should stop this project in its tracks, not to mention the updated guidance from the attorney general that makes a development like this nearly impossible to approve. The fact that the County already rejected Lilac Hills Ranch in Valley Center because of inadequate evacuation routes should be telling. That project had multiple ways out—this one only has one. We can't afford to make the same mistake twice. ReI23-2 ReI23-3 ReI23-4

The recent approval of the Climate Action Plan also makes this project feel even more out of place. It's designed to improve wildfire safety and reduce traffic and vehicle miles traveled, yet HGV South doesn't fit into that vision at all. ReI23-5

To top it all off, I'm hearing that the RSF Fire District is facing budget shortfalls because the last HGV project didn't properly fund the fire station they were required to build. It's hard to understand why we would even consider another risky project when the last one didn't deliver on its promises. Our safety shouldn't be compromised to fix someone else's financial mistakes. ReI23-6

Please do the right thing and vote against this project. The risks are too high for all of us. ReI23-7

Sincerely,

--
Pat Powers
Pat@VBClinics.com
Olympic Gold Medalist
https://vbclinics.com/

1

Response to Comment ReI23-1
The County appreciates your comments. This letter is verbatim to that submitted by Travis Cooper in Comment Letter ReI5. Please refer to Response to Comment ReI5-1 regarding wildfires, severity zones, and risk.

Response to Comment ReI23-2
Please refer to Responses to Comments ReI1-1 for Appellate Court decision regarding adequacy of 2018 FEIR discussion on this issue and to ReI5-2 regarding evacuation.

Response to Comment ReI23-3
Please refer to Responses to Comments ReI2-3 regarding Fire Code updates and to ReI4a-4 regarding Attorney General guidance.

Response to Comment ReI23-4
Please refer to Response to Comment ReI5-4 regarding Lilac Ranch and Project evacuation routing.

Response to Comment ReI23-5
Please refer to Response to Comment ReI5-5 regarding the fact that the Project does not rely on the recently approved Climate Action Plan.

Response to Comment ReI23-6
Please refer to Response to Comment ReI5-6 regarding RSFFPD funding.

Response to Comment ReI23-7
Opposition to the Project is noted, is part of the administrative record, and will be before decision makers during consideration of the Project.

COMMENTS	RESPONSES

Comment Letter ReI24

From: T Sauvageau <ontic1@yahoo.com>
Sent: Monday, October 7, 2024 9:18 AM
To: Vargas, Nora (BOS)
Subject: [External] Harmony Grove Village South

Good morning,

If you're reading this email, thank you. I could only imagine the amount of emails you've been receiving.

My wife and I live in Hidden Hills which is just a little north of the Harmony Grove Village South project and just up the hill from Country Club Dr. The valley has been a sacred place home to horse ranches, an egg farm, and "country living." The newest homes that were constructed in the last several years added a significant amount of people, traffic, and potential fire victims due to the limited ingress and egress. At this point, we've only seen the heavy traffic during "rush hour" and have no idea what it would look like in a state of emergency. ReI24-1 ReI24-2

Besides the very obvious safety risks associated with this location, CA is always in some form of drought. I'm not sure how we can justify the ongoing urban sprawl and over-development of an area that should be protected due to the creek that runs through it and other preserved land in the area. ReI24-3

Profits over people. Nobody wants San Diego County to look like Los Angeles. At the end of the day, would you like this development to come to your neighborhood or city? The logical answer to all of our concerns is that this is a very bad idea for those who are "trapped" back in Harmony Grove, for the county of SD, and for the city of Escondido. Safety first, quality of life, and No to big developers' money. ReI24-4

If you're still reading...thank you again and please stand up for our community!

Regards,

Troy Sauvageau

760.420.4240

Response to Comment ReI24-1

The County appreciates your comments. This comment provides locational information regarding the commenter and opinion on the Harmony Grove area. It does not address adequacy of Project environmental analyses and does not require a response.

Response to Comment ReI24-2

The comment notes ongoing traffic experience and speculates as to effect during a fire. It does not address adequacy of the Project environmental analyses and does not require a response. For clarification, please also refer to Global Response: 2024 Fire / Evacuation, as well as Response to Comment ReI1-1 for Appellate Court conclusions regarding 2018 Project fire and evacuation safety analyses.

Response to Comment ReI24-3

No specifics are provided regarding "obvious safety risks," so no specific answer can be provided. Please refer, however, to 2018 Global Responses: Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access as well as Global Response: 2024 Fire / Evacuation. A more general discussion of different hazards is provided in 2018 FEIR Section 3.1.3, *Hazards and Hazardous Materials*. All potential impacts are assessed as less than significant. Again, please refer to Response to Comment ReI1-1 regarding Appellate Court conclusions.

Additional comments related to drought, sprawl, biology, etc., are out of scope of the 2024 recirculation topics (see the 2024 Readers Guide), and the commenter is referred to Global Response: Res Judicata and New Information.

Several points of information are provided, however. Water availability is expressly addressed in 2018 FEIR Section 3.1.10, *Utilities and Service Systems*. Although the comment questions ongoing urban sprawl in general, it is noted that the Project is not a product of "sprawl." Please refer to both Response to Comment ReO3-2 and 2018 Global Response: Regional Plan Conformity (in particular the discussion titled "The Project Location is

COMMENTS	RESPONSES
	Consistent with Goals to Reduce Sprawl and Site New Development Adjacent to Jobs, Services and Shopping"). The comment also refers generally to "an area that should be protected due to the creek that runs through it and other preserved land in the area." Although this refers to an area larger than the Project site itself, it is noted that Escondido Creek is not located on site, but is to the north of the Project, and abutting Harmony Grove Road. The creek in this vicinity is degraded due to scour, piping under the Arizona crossing at Country Club Drive, and presence of invasives. The HGV South Project actually would improve the creek in this location, re-grading to a more natural creek bed design, constructing a bridge to extend over the creek (thereby eliminating vehicular travel through the creek during rainy periods), and removal of invasives. Please refer to 2018 FEIR Subchapter 2.3, *Biological Resources*, and Section 3.1.4, *Hydrology/Water Quality* for related discussion. Similarly, the Project would add acreage to open space already preserved in the Del Dios Highlands Preserve. **Response to Comment ReI24-4** The comment expresses a conclusion regarding the perceived unfavourability of the Project rather than adequacy of Project environmental evaluation. No response is required. The County does not find that individuals would be "trapped" in Harmony Grove as a result of Project implementation. Please refer to Response to Comment ReI24-3, above, regarding hazards. Opposition is noted, is part of the administrative record, and will be before the decision makers during consideration of the Project.

COMMENTS	RESPONSES
Comment Letter Rel25 **From:** peacefulangel2@outlook.com **Sent:** Monday, October 7, 2024 2:38 PM **To:** Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; efhgtc@gmail.com; Lorenzana, Bianca; Montagne, Sarah; DMcQuead, Dave **Subject:** [External] Harmony Grove Village South Honorable Supervisors: Housing is needed but not unsafe high density housing in this very high fire risk area . The density of HGV South does not and cannot sustain a reasonable fire evacuation plan for existing residents close by and for proposed new residents. Rel25-1 Consider the lives that may be lost due to failure to flee a fast moving fire due to road blocs and congestion. Rel25-2 Show us that supervisors can be 'bought off' by these out of town developers in return for campaign funds. Do the right thing, please, and protect the people you are elected to protect. Rel25-3 Thank you. Cheri Smith, Elfin Forest 1	**Response to Comment Rel25-1** The County appreciates your comments. The County agrees that housing is needed. The County disagrees that the Project would be unsafe due to location in a high fire risk area, and that it provides an unreasonable fire evacuation plan. Please refer to full discussion of these issues in 2018 Global Responses: Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access as well as Global Response: 2024 Fire / Evacuation. Please also refer to Response to Comment ReI1-1 for Appellate Court conclusions regarding Project fire and evacuation safety analyses. **Response to Comment Rel25-2** The County and fire management authorities take potential loss of life very seriously, and both state and local ordinances and standards are designed to minimize such occurrences where individuals follow directions of qualified emergency personnel. The Project is compliant with these requirements. Please refer to global responses noted in Response to Comment ReI25-1. **Response to Comment Rel25-3** This comment does not refer to adequacy of environmental analyses. No response is necessary. It is part of the administrative record, however, and will be before decision makers during consideration of the Project.

COMMENTS	RESPONSES
Comment Letter ReI26 **From:** Len Therrien <lentherrien@gmail.com> **Sent:** Saturday, August 31, 2024 11:56 AM **To:** Lorenzana, Bianca **Subject:** [External] Harmony Grove Village South project As a resident of Harmony Grove Village, I would like to voice my opposition to the Harmony Grove Village South Project due to one major concern: the lack of more than one exit from the development. ReI26-1 I believe that without multiple exits from the development the County will endanger the residents of this project and potentially other residents in neighboring areas such as my community. Leonard Therrien 2920 Starry Night Dr, Escondido, CA 92029 1	**Response to Comment ReI26-1** The County appreciates your comments. Opposition to the Project is noted, is part of the administrative record, and will be before decision makers during consideration of the Project. The County disagrees that the Project would put lives at risk. Please see 2018 Global Responses: Fire Hazards Impact Analysis and Adequacy of Emergency Evacuation and Access regarding Project planning relative to fire and emergency exits, as well as Global Response: 2024 Fire / Evacuation relative to "one exit from the development" (i.e., secondary access). Please also refer to Global Response: 2024 Fire / Evacuation, as well as Response to Comment ReI1-1 for Appellate Court conclusions regarding Project fire and evacuation safety analyses, and to Global Response: Res Judicata and New Information regarding these issues having been previously addressed.

COMMENTS	RESPONSES

Comment Letter ReI27

From: Len Therrien <lentherrien@gmail.com>
Sent: Thursday, October 3, 2024 1:30 PM
To: Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; efhgtc@gmail.com; Lorenzana, Bianca; Montagne, Sarah; DMcQuead, Dave
Subject: [External] Harmony Grove Village South Development

Honorable Supervisors:

We have been residents of Harmony Grove Village since 2020 when we moved here from Los Angeles to be near our daughter and her family who moved into Harmony Grove Village in 2017.

In our 40 years in the Los Angeles area we witnessed many wildfires and the terrible toll in property damage and lives loss that these fires caused. — ReI27-1

We were especially aware of the fire risk in the HGV area and were pleased with how the development provided multiple exit routes in case of the need to leave the area.

However, we have noted that with the project to widen Citracado Parkway, this street project has caused many delays in the mornings and evenings just due to construction on the street which is the primary exit from HGV. And this illustrates to us how poorly residents in HGV and HGVS will handle a mass exit from the area. — ReI27-2

Please note. We are not opposed to building new homes in the area. We support such an effort but these homes must be protected and afforded safe exit from the community when required. — ReI27-3

Here are some specific issues to consider:

* The wildfire risk of this proposed development is simply too high. There are insufficient evacuation routes and it is impossible to add more, due to the steep, rugged terrain.

* The property is in a "Very High Fire Hazard Severity Zone." The Cocos Fire burned right next to this property in 2014, burning 30 homes. — ReI27-4

* There is only one evacuation route from this property. To meet a minimum level of safety, there would have to be a second way out. But because of steep slopes in the area, there is no feasible way to build a road to create a second evacuation route.

* Adding more people to this high-risk zone increases the risk to current residents as well as putting new residents at risk.

* These new residents will add traffic (4,530 of daily trips) to an already overburdened road network. Harmony Grove Road, Del Dios Highway, Via Rancho Parkway, and Highway 78 are already at a crawl — ReI27-5

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Response to Comment ReI27-1
The County appreciates your comments. These first comments are noted. They do not pertain to adequacy of the Project environmental analyses and do not require response.

Response to Comment ReI27-2
Roadway conditions during roadway improvement construction (including congestion and related slowing) do not presage conditions during an evacuation event. While there may be delays and even stoppages in either case, emergency evacuations occur under careful direction by emergency personnel in consideration of many factors. Lanes may be directed to support one-way traffic, signalization allowing for cross traffic timing may be modified, turned off, or overridden by personnel direction, etc. Please refer to discussion of evacuation experience in Global Response: 2024 Fire / Evacuation, as well as to Response to Comment ReI1-1 for Appellate Court decision regarding adequacy of 2018 FEIR discussion on this issue.

Response to Comment ReI27-3
Comments noted. They do not pertain to adequacy of the Project environmental analyses and do not require response. Concerns related to exits from the development are addressed specifically below.

Response to Comment ReI27-4
Regarding the Project being in a very high fire hazard severity zone, this was disclosed and addressed in the 2018 FEIR. Please refer to Response to Comment I4a-2 for relevant discussion. Regarding a single evacuation route and the inability to add more, please refer to Responses to Comments ReI2-3 and ReI8-3. Regarding increase in risk to current residents, the County disagrees. Please refer to Response to Comment ReI10a-1.

Response to Comment ReI27-5
Traffic is not one of the issues addressed in 2024 recirculation, and as such, is beyond the scope of these comments. The Project traffic analysis was found

COMMENTS	RESPONSES
Comment Letter ReI27 during rush hours.Adding urban development in this semi-rural area diminishes the quality of life for everyone, as traffic increases. ReI27-5 cont. * This area has an unusually high level of biodiversity and Escondido Creek runs nearby. The community has already made a big investment in conserving much of the land near this property. The project would chop up important wildlife habitat and undermine what we've already done to protect wildlife habitat in North County. ReI27-6 * Instead of building here, we should be operating under the guidelines of the Fire Safe Infill Alternative, building homes close to villages and in urban centers. ReI27-7 By approving this development despite the obvious safety risks, the County is putting residents at risk, and is prioritizing profits over people. We asked for you to oppose the HGVS development unless the fire exit routes are improved for the new residents. ReI27-8 Leonard and Delphine Therrien 2920 Starry Night Drive Escondido, CA 92029 2	adequate during the CEQA challenge to this Project. For description of the scope of recirculation pursuant to CEQA Guidelines Section 15088.5(c), please see the Recirculation Readers Guide, dated August 22, 2024. Please also refer to Global Response: Res Judicata and New Information, as well as Response to Comment ReI10e-3. **Response to Comment ReI27-6** Regarding biodiversity and related issues, please refer to Response to Comment ReI8-2 for discussion. **Response to Comment ReI27-7** Please refer to Response to Comments ReI4a-7 and discussion in Global Response: Reconsideration of General Plan Consistency Determination. **Response to Comment ReI27-8** Regarding safety risks and Project opposition, please refer to Response to Comment ReI8-5.

COMMENTS	RESPONSES

Comment Letter ReI28

From: robyn van zyl <robynvanzyl@yahoo.com>
Sent: Monday, October 7, 2024 9:53 AM
To: Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; efhgtc@gmail.com; Lorenzana, Bianca; Montagne, Sarah; DMcQuead, Dave
Subject: [External] Don't Gamble with Our Safety: Please reject Harmony Grove Village South

Dear Supervisors and Fire District,

This project doesn't make sense for our community, especially now with everything we've learned over the past few years. Wildfires have become far more intense and frequent, and this year we've already crossed the million-acre mark. CalFire has even reclassified our entire area, including the proposed development, as a Very High Fire Severity Zone. It's clear that our valley is in more danger than ever, and yet this project doesn't account for those growing risks. ReI28-1

Our community has put together a wildfire evacuation plan, and it's clear that any new development would need to incorporate it into their planning. But HGV South seems to completely ignore that. The County's new fire protection guidelines alone should stop this project in its tracks, not to mention the updated guidance from the attorney general that makes a development like this nearly impossible to approve. The fact that the County already rejected Lilac Hills Ranch in Valley Center because of inadequate evacuation routes should be telling. That project had multiple ways out—this one only has one. We can't afford to make the same mistake twice. ReI28-2 ReI28-3 ReI28-4

The recent approval of the Climate Action Plan also makes this project feel even more out of place. It's designed to improve wildfire safety and reduce traffic and vehicle miles traveled, yet HGV South doesn't fit into that vision at all. ReI28-5

To top it all off, I'm hearing that the RSF Fire District is facing budget shortfalls because the last HGV project didn't properly fund the fire station they were required to build. It's hard to understand why we would even consider another risky project when the last one didn't deliver on its promises. Our safety shouldn't be compromised to fix someone else's financial mistakes. ReI28-6

Please do the right thing and vote against this project. The risks are too high for all of us. ReI28-7

Sincerely,
Robyn Van Zyl

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Response to Comment ReI28-1
The County appreciates your comments. This letter is verbatim to that submitted by Travis Cooper in Comment Letter ReI5. Please refer to Response to Comment ReI5-1 regarding wildfires and severity zones.

Response to Comment ReI28-2
Please refer to Responses to Comments ReI1-1 and ReI5-2 regarding evacuation and the Appellate Court decision regarding adequacy of 2018 FEIR discussion on this issue.

Response to Comment ReI28-3
Please refer to Response to Comment ReI4a-4 regarding Attorney General guidance.

Response to Comment ReI28-4
Please refer to Response to Comment ReI5-4 regarding Lilac Ranch and Project evacuation routing.

Response to Comment ReI28-5
Please refer to Response to Comment ReI5-5 the fact that the Project does not rely on the recently approved Climate Action Plan.

Response to Comment ReI28-6
Please refer to Response to Comment ReI5-6 regarding RSFFPD funding.

Response to Comment ReI28-7
Opposition to the Project is noted, is part of the administrative record, and will be before decision makers during consideration of the Project.

COMMENTS	RESPONSES

Comment Letter ReI29

From: Brenda Wright <leewrightglobal@gmail.com>
Sent: Thursday, October 3, 2024 10:19 AM
To: Vargas, Nora (BOS); Lawson-Remer, Terra; Anderson, Joel; MontgomerySteppe, Monica; Desmond, Jim; Salazar, Maykent L; Kazmer, Gregory; Yuen, Jeffrey; Henson, Eric; McDonald, Hunter; Smith, Rebecca (BOS); Lynch, Dahvia; Harbert, Amy; Slovick, Mark; efhgtc@gmail.com; Lorenzana, Bianca; Montagne, Sarah; DMcQuead, Dave
Subject: [External] Harmony Grove Village South

Honorable Supervisors:

This proposed housing development is of great concern to existing residents. As a resident of Eden Valley, living in Country Club Drive, I know what evacuation looks like, as we witnessed in the Cocos fire. I live only a half mile from Auto Parkway, and it took 45 minutes to reach that road. — ReI29-1

- Adding more people to this high-risk zone increases the risk to current residents as well as putting new residents at risk. — ReI29-2
- These new residents will add traffic (4,530 of daily trips) to an already overburdened road network. Harmony Grove Road, Del Dios Highway, Via Rancho Parkway, and Highway 78 are already at a crawl during rush hours. Adding urban development in this semi-rural area diminishes the quality of life for everyone, as traffic increases. — ReI29-3
- I urge you to vote against this development and help save our community. — ReI29-4

Brenda Wright
1012 Country Club Drive
Escondido
760-443-0588

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Response to Comment ReI29-1

The County appreciates your comments. This first comment notes general concern regarding the Project and describes evacuation experience during the Cocos Fire. It does not raise specific issues regarding substantive Project environmental analyses. The commenter is referred to Global Response: 2024 Fire / Evacuation for discussion of evacuation traffic conditions, as well as testimony provided by fire managers at 2018 hearings. Please also refer to Response to Comment ReI1-1 for Appellate Court conclusions regarding Project 2018 FEIR fire and evacuation safety analyses.

Response to Comment ReI29-2

Please refer to Response to Comment ReI10e-2 regarding population and fire starts.

Response to Comment ReI29-3

For a point of clarification, please refer to Response to Comment ReI10e-3. It is noted, however, that traffic is not one of the issues addressed in 2024 recirculation, and as such, is beyond the scope of these comments. The Project traffic analysis was found adequate during the CEQA challenge to this Project. For description of the scope of recirculation pursuant to CEQA Guidelines Section 15088.5(c), please see the Recirculation Readers Guide, dated August 22, 2024. Please also refer to Global Response: Res Judicata and New Information.

Response to Comment ReI29-4

Opposition to the Project is noted, is part of the administrative record, and will be before decision makers during consideration of the Project.